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ELEMENTS OF REFORM,

OR

AN ACCOUNT OF

THE MOTIVES AND INTENTIONS

OF THE

ADVOCATES

FOR

PARLIAMENTARY REFORMATION.

BY WILLIAM COBBETT,
PROPRIETOR OF THE POLITICAL REGISTER.

"Englishmen read, mark, learn, and inwardly digest."

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To SAMUEL WHITBREAD, Esq. M.P.

SIR,

I dedicate the following ELEMENTS to you, because I am convinced that no man is better acquainted than yourself with the real motives and intentions of the advocates for Parliamentary Reformation. Your union with those illustrious patriots, Sir Francis Burdett, Lord Folkestone, and Mr. Wardle, has been duly appreciated by the enlightened part of your Fellow-Citizens; and it is my sincere wish, that nothing may prevent your hanging together for the benefit of the Nation.

I am, Sir,

With due respect,

THE AUTHOR.

ELEMENTS OF REFORM.

Neque lex est justior ulla
Quam necis artifices arte perire sua.—Ovid.

Having in America, witnessed the fatal effects of revolution; having seen piety give place to a contempt of religion; plain-dealing exchanged for shuffling and fraud, universal confidence for universal suspicion and distrust; having seen a country, once the seat of peace and good neighbourhood, torn to pieces by faction; plunged, by intriguing *demagogues*, into never-ceasing hatred and strife; having seen a people once too fond of what they called *liberty* to bear the gentle sway of a British king, humbly bend their necks to the yoke, nay, to the very foot of a set of grovelling despots; having in short, seen the crime of rebellion against monarchy punished by the tormenting, the degrading curse of re-

publicanism, it is with the utmost astonishment and indignation, that I find many of those, who have the press at their command, endeavouring to bring down on my native country the very same species of calamity and disgrace.

Notwithstanding the example of America, and the more dreadful example of France, I find the emissaries of the Republican faction *(for such it really is)*, still preaching fanaticism and infidelity, *still bawling for that change which they have the audacity to denominate* REFORM, still exerting all their nefarious ingenuity in sapping the foundation of the Church and the Throne. Those who want experience of the consequences, may, for aught I know, be excused for conniving at these attempts; but *for me*, who have seen acts passed by a republican legislature, more fradulent than forgery or coining; *for me*, who have seen republican officers of state offering their country for sale for a few thousand dollars; *for me*, who have seen republican judges become felons, and felons become republican judges; for me to fold my hands and tamely listen to the insolent eulogist of republican governments

and rulers, would be a shameful abandonment of principle, dastardly desertion of duty.

It is with no small mortification that I find too many of the periodical publications (as well pamphlets as papers) in the hands of fanatics and infidels, all of whom, however numerous their mongrel sects, however opposite their tenets, however hateful their persons to each other, do most cordially unite in their enmity to the national establishment, and most zealously cooperate for its destruction. Convinced as I am, from the experience of America, as well as from history in general, that an established church is absolutely necessary to the existence of religion and morality; convinced also that the church of England, while she is an ornament, an honour, and a blessing to the nation, is the principal pillar of the throne; I trust *I* never shall be *base enough* to decline a combat with her enemies, whether they approach me in the lank locks of the sectary, or the scald crop of the jacobin.

The subjects of a British king, like the sons

of every provident and tender father, never know his value till they feel the want of his protection. *In the days of youth and of ignorance, I was led to believe, that comfort, freedom, and virtue, were exclusively the lot of republicans.* A very short trial convinced me of *my error*, admonished me to repent *my folly*, and urged me to compensate for the injustice of the opinion I had conceived.

During an eight years absence from my country, I was not an unconcerned spectator of her perils, nor did I listen, in silence, to the slanders of her enemies. Though divided from England by the ocean, though her gay fields were hidden, probably for ever, from my view, still her happiness and her glory were the objects of my constant solicitude; I rejoiced at her victories, and mourned at her defeats; her friends were my friends, and her foes were my foes. Once more returned, once more under the safeguard of that Sovereign, who watched over me in my infancy, and the want of whose protecting arm I have so long had occasion to lament, I feel an irresistible desire to commu-

nicate to my countrymen *the fruit of my experience; to shew them the injurious and degrading consequences of discontent, disloyalty, and innovation, to convince them, that they are the freest, as well as happiest, of the human race; and above all, to warn them against the arts of* THOSE AMBITIOUS AND PERFIDIOUS DEMAGOGUES, *who would willingly reduce them to a level with the cheated slaves, in the bearing of whose yoke I have had the mortification to share.**

We are told, that there is, or ought to be, about every human body, a certain part called the *crumena*, upon which depends the whole œconomy of the intestines. When the *crumena* is full, the intestines are in a correspondent state; and then the body is inclined to repose, and the mind to peace and good neighbourhood, but when the *crumena*† becomes empty, the sympathetic intestines are immediately contracted, and the whole internal state of the patient is thrown into insurrection and uproar, which, communicating itself to the brain, pro-

* Vide Porcupine Newspaper, No. I.

† The Purse.

duces what a learned state physician calls the *mania reformationis*; and if this malady is not stopped at once, by the help of an *hempen necklace*, or some other remedy equally efficacious, it never fails to break out into *Atheism, Robbery, Unitarianism, Swindling, Jacobinism, Massacres, Civic Feasts and Insurrections.**

The history of the *United Irishmen* will not detain us long. Soon after the ever to be regretted epoch, when God, in his wrath, suffered the tinkers, butchers, harlequins, quacks, cut-throats, and other modern philosophers, to usurp the government of France, their brethren in Ireland tempted by the successful example, began, with wonderful industry, to prepare for taking the government of that country into their own hands. With this laudable end in view, they formed what they called their *society*, in the city of Dublin. To say in what manner they proceeded to business, would be superfluous, since we know they were *Democrats*. Their meetings, *as among us*, produced *resolves* in abundance, and good fortune seemed for a time

* Vide Porcupine works, vol. ii. page 8 and 9.

to smile upon them. *The press was suffocated with their addresses,** and letters of fraternity, which were swallowed by the *mob,* for whom they were intended, with an appetite which generally characterizes that class of citizens. But all of a sudden, when they were in the height of their work, mangling the carcase of the government, the magistracy soused down upon them, like an eagle among a flock of carrion crows. Here was fine helter-skelter; fining, imprisoning, whipping, and emigrating; some men ran this way, others that; some came to America to brew whiskey, some went to France to gather laurels, while others of a more philosophic turn, set off to Botany Bay, to cull simples.†

The ostensible object of the *United Irishmen,* like that of *all other* usurpers from the beginning of the world to the present day, was a *reformation* in the government of their country. To say much about a plan of *reform* proposed by a "band" of such obscure and illiterate persons as their proceedings prove them to be, would be paying

* Vide Political Register *passim*

† Vide Porcupine works, vol. 11. page 97, 98.

ignorance too much attention, and would be, besides, in a great measure, superfluous, as we have already been favoured with the newest new constitution of a *sister* republic, of which that proposed by the *United Irishmen* was but a counterpart *. "Rebellions," says Swift, "ever travel from north to south; that is to say, from poverty to plenty." The Dean knew mankind pretty well, but not better than his countrymen, the *United Irishmen*, as we shall see by their addresses to the poor. "To you," say they, "the poorer classes of the community, we address ourselves. We are told you are *ignorant*; we wish you to enjoy *liberty*, without which no people was ever *enlightened*; we are told you are uneducated and immoral; we wish you to be educated, and your morality improved by the most rapid of all instructors; a good government. Do you find yourselves sunk into poverty and wretchedness? Examine peaceably and attentively the plan of REFORM we now submit to *you*. Consider, does it propose to do you justice? does it propose to give *you* sufficient

* Vide Porcupine's Works, vol. ii. page 102.

protection? for we have no fear but that the *rich* will have justice done to them, and will be sufficiently protected." In another place they tell their poor friends, that it is the "*unequal partition of rights*, that is the cause of their poverty, and that *makes them mob*." It is thus that *the ambitious troublers of mankind* ever find their way to the hearts of the lower classes of the community. They flatter their natural inclination, which is ever to attribute their wants and misfortunes, which are usually no more than the lot of humanity, or the natural consequences of their own idleness or profligacy, to the errors or wickedness of those who rule over them *.

Those who are simple enough to listen to a DEMAGOGUE, seldom care about his moral character. With the rights of the citizens, their virtue, and their sovereignty, eternally vibrating on his lips, he may, for aught they care, have a heart as black as Tartarus. If he writes, let him fill his pages with frothy declamation, and vaunting bombast, with the cant and jargon

* Vide Porcupine's Works, vol. ii. page 105

of modern republicans, and it matters little what arrangement he makes use of. Ambiguity and confusion are even an advantage to him; they are a labyrinth in which he loses the wretches whom he has enticed from duty. In short, his business is to awaken in his reader, jealousy, envy, revenge, and every passion that can disgrace the heart of man, to lull his gratitude, reason, and conscience asleep, and then let him loose upon society*.

On all hands it is allowed, that the parasite of a prince is a most despicable character; a POPULAR PARASITE must then be *doubly despicable*. It is possible for the supple courtier to find something like an apology for his self-humiliation; one may be dazzled by the splendour of a crown, or blinded by the munificence of a friend and protector; but what must be the man (*if, indeed, he be worthy of the name*) who can crawl to the dregs of mankind? who can make a voluntary surrender of the superiority with which nature has endowed him? who can

sacrifice truth, honour, justice, and even common sense, to the stupid stare and momentary huzza of the populace, whose welfare affects him not, *and whom in his heart he despises* *?"

Sir Francis Burdett, in a moment of exultation, and tumult of joy, undoubtedly considers himself as a most sublime patriot, and as the idol of the mob. *Enviable distinction!* But the most serious charge I have against him is, the attempt he has made to insinuate, that government has had recourse to secret execution. This is so black and diabolical an insinuation, that no power of language can sufficiently mark its infamy. Does he mean to say that prisoners have been secretly executed without a trial? Can he have the effrontery to assert it? Let him bring forward his proofs; proofs clearly substantiated. I dare him to do it. But no, he cannot; he dare not; and the attempt to fix such a crime on the government, is to the full as atrocious as the actual commission of it, and merits the strongest and most pointed reprobation. *Can*

* Vide Porcupine's Works, vol. ii. page 283.

measures, sanctioned by Parliament, and approved by a vast majority of the country; measures evidently adopted for the security of our persons, our properties, and our laws, be called tyranny and oppression? It has been the happy lot of this country to possess a minister, (the late Mr. Pitt) whose great and comprehensive mind was competent to the difficulties of our situation; by whose effective and decisive measures, the disaffected have been crushed, and compelled to hide their diminished heads; and, it will reflect the most resplendent lustre on the British character to the latest posterity, that the people had the wisdom to approve, and the fortitude to support them. Sir Francis need not be told, that by these insinuations he is highly reflecting on the Parliament, which he probably intends. The measures which have prevented the seditious from disturbing the peace and good order of the country, and for whose sufferings, though justly inflicted, he feels such a tender regard, were approved in Parliament; *and dares he censure its decree?* It really excites something like a smile, to observe how very limited is the loving-kindness of this tender-hearted philanthropist. It has never

come to my knowledge, that he has extended it to any *other* criminals. Did he ever bring before the House the cause of the widow, or the orphan, unconnected with politics? or of some unfortunate wretch, languishing in prison, rather through his own misfortunes, or the villainy of others, than from any crimes? Did he ever from the purse, which now so readily overflows; did he ever glad the heart of the unfortunate debtor, and restore him to his afflicted and starving family, and to Society? Let him satisfactorily answer these questions, before he makes a parade of his philanthropic humanity, in behalf of acquitted felons, and the pests of society.

He says he loves his country, and its tranquillity. What a prostitution of the noblest of all principles! Our patriotic philanthropist proves this, by advocating the cause of its bitterest enemies. Is it love for our country to display, on every occasion, the most rooted animosity to its constitution and government? Is it love for our country to take a decided part with the seditious and disaffected? Is it love for our country to treat with contempt the laws,

and its administrators? Away with such critical cant. If this be love of our country, confess I have none of it. Sir Francis may again assert it; but *where is the credulous fool who will believe it**? It was our intention to have entered into a refutation of certain political doctrines, which Sir Francis Burdett has published; but, upon closer examination, we find them proceed upon notions so *directly subversive of the laws and government of the country*, that any controversy with him must necessarily have for its object, to *prove the inexpediency of destroying the monarchy of England*. To reason with such a man would be absurd: he must be treated with silent contempt, or be *combatted with weapons very different from a pen*: however, *we declare our abhorrence of the principles and conduct of the man*, who, in alluding to the British Government, speaks of "*hired* magistrates, parliaments, and *kings*;" we DETEST and LOATHE Sir FRANCIS BURDETT, we would *trample upon him*, for his false, base, and insolent insinuations and assertions respecting his and our Sovereign †.

I shall stop here to make an observation which ought to be very well attended to by the whole of the British nation: and that is, that all the revolutionists, while they are endeavouring to excite the people of Great Britain and Ireland to revolt against the government, *profess* great fidelity to their country and *loyalty* to their king. They pretend to have nothing in view, but "the *good*, the *honor*, the *permanent glory* of the empire." They propose to *amend* and not to *destroy*;" to make the people truly happy, and "*His Gracious Majesty truly Great.*" Their *stalking horse* is REFORM, but their *real object* is the OVERTHROW OF THE MONARCHY: a scramble for power and riches: and this intention, should they succeed, they will boast of, with as unblushing a front as Lauderdale's friend Brisot and his gang, after they had made the exciting of the insurrection of the 10th o August, one of the crimes for which they put their sovereign to death, boasted of having excited the insurrection themselves! This is one of the blackest deeds in the annals of Republican France; but let the people of Great Britain be assured, that, instead of abhorrence, it has served to awaken emulation in the minds of the degraded and desperate fac-

tion, who have still the *hypocrisy to bellow for* REFORM

In reply to Counsellor Ego's speech (for *reform* in 1797), Mr. Pitt did not take the ground that I should have taken. "He insisted, (and with great truth) that the sort of reform, which the *present reformers* intended to introduce, was widely different from that which he had once endeavoured to bring about, and therefore he was not chargeable with inconsistency in espousing the one, and opposing the other. He said, that with respect to *any plan of reform at all*, whatever he might in former situations of the country have felt on this subject; he meant not to deny, that since the new æra in the history of the world, occasioned by the French revolution, he had felt the ground on which the argument formerly stood, was essentially and fundamentally altered. Thinking as he now did, of a parliamentary reform, it was not at all inconsistent, that under the present situation of the country, he should be inclined to forego the benefits of reform, rather than compromise, or give a footing to principles of so

much more dangerous a tendency than those imperfections in the constitution; the removal of which he might wish." This was not the ground for a man like Mr. Pitt to take; he should have candidly and boldly acknowledged his *error*. He *was a youth when he formerly espoused the cause of Reform;* AGE AND EXPERIENCE *had taught him that he* was WRONG.* *I* should think myself the *most stupid* ass that ever browsed a thistle, were I to doubt one moment as to the unity of the object kept in view by *all* the tribes of REFORMERS.†

The people have been told that they are not represented in the House of Commons, that, that assembly is no longer what it used to be, and that until it be *reformed*, it is in vain for them to hope for any good from that quarter. The words *representation* and *elective franchise* have done much towards confusing the brain and corrupting the heart of his Majesty's subjects: and, though we have not the vanity to supppose, that we possess the power of dissipating the fatal delusion, it is our duty to contribute our mite in the attempt.

* Vide Porcupine's Works, vol. vii. p. 32. † Ib. p. 33.

The maxim, upon which the *enemies of the government*, proceed is this: that a people are free and happy in the exact proportion in which their voice prevails in the election of those who make the laws; and, as the voice of the mass of the people here has, in truth, no very great share in the election of the House of Commons, they, of course, can enjoy but a small portion of freedom, and of that happiness, which it is in the power of law and government to bestow.

To *argue* against this doctrine would be useless: men have been disputing on it for two hundred years, and are as far from an agreement as ever. We shall, therefore, appeal from reasoning to experience; from theory to practice; from *opinions* to *facts*. Nor shall these facts be drawn from antiquated history, the authenticity of which might be doubted, but from a state of things this moment in exercise. Again, they shall not be sought for amongst the Venetians, the Genoese, the Swiss, the French, or the Dutch, but amongst a people descended from the same stock with ourselves; speaking the same

same habits, customs, and manners, and differing from us only in those points where the revolution in their government have had an immediate effect.

It will easily be perceived, that we here allude to the people and government of America; and we shall, after a few prefatory remarks, extract a passage from a pamphlet, written by an American, an eminent lawyer of New Jersey, in the year 1799. The pamphlet was addressed to the people of that state; the author's name, William Griffiths, whose object was to point out the evils of the government, and to prevail on the people to consent to a change. The "*elective franchise,*" was as universal as even *Sir Francis Burdett* could have wished it, and we now are about to see a fair picture of legislative assembly produced by that "*inestimable privilege.*"

Our famous countryman, SWIFT, has compared the people who choose popular assemblies, to those silly worms, which exhaust their substance, and destroy their lives, in making habits for beings of a superior order. With all due deference to such

an authority, we beg leave to say, that the latter part of the comparison will not bear the test of experience. That the people, in the exercise of their imaginary rights and privileges, do exhaust their substance, and, sometimes destroy their lives is most certain; but, that they do this for the sake *of beings of superior order*, will be believed by no one, who has paid any attention to the objects of their choice, and who must of course have observed, that that choice does not unfrequently fall upon *bankrupts, swindlers, quacks, parasites, panders, athcists, apostates*, in a word, upon the most infamous and the most despicable of the humane race; wretches whom no prudent tradesman would trust alone in his shop, and with whom any honest man would blush to be seen in conversation.

How happens it, that the people of America, for instance, are induced in many instances, to commit their property and their lives to the guardianship of the refuse of the community? The Americans are, generally speaking, descended from the same ancestors with ourselves; they

are by no means inferior to us in point of discernment; and their love of liberty, property, and life, is equal to ours. The cause of their preposterous choice is this: the mass of the people of all nations, are so fond of nothing as of *power*. Men of sense know, that the people can, in reality, exercise no power which will not tend to their own injury; and, therefore, if they are honest men, as well as men of sense, they scorn to foster their vanity at the expence of their peace and happiness. Hence it is, that in states, where the popular voice is unchecked by a royal or any other hereditary influence, that voice is, nine times out of ten, given in favour of those fawning parasites, who in order to gratify their own interest and ambition, profess to acknowledge no sovereignty but that of the people, and who, when they once get into power, rule the poor sovereign that has chosen them, with a rod of scorpions, affecting, while the miserable wretch is writhing under their stripes, to call themselves his "*representatives*."

Of all the tyrannies that the devil or man ever invented, the tyranny of an elective assembly, un-

controled by regal power, is the most insupportable. When the tyrant is an individual, the slaves have the satisfaction of knowing their oppressor; they have the consolation of hearing him execrated, and amidst their miseries, they are now and then cheered with the hope, that some valiant hand will bear a dagger to his heart. But, an uncontrouled assembly is an undefinable, an invisible, and an invulnerable monster; it insinuates like the plague, or strikes like the apoplexy; it is as capricious, as cruel, and as ravenous as death; like death, too, it loses half its terrors by the frequent repetition of its ravages; and, such is its delusive influence, that every man, though he daily sees his neighbour falling a sacrifice to the scourge, vainly imagines it to be at a distance, from himself. Now, for *proof* of of what we have advanced, we shall quote Mr. Griffith's description of the Legislative Assembly of New Jersey.

Page 109.—"It is impracticable here to enter into a detail of facts to prove, that the virtue of the legislature has been, and will be, constantly assailed and overcome. It shews itself in the

very formation of the legislature. No sooner does an election for a legislative assembly and council approach, than the question is not who are the wisest and most disinterested, and of most integrity; but who will best answer the views of *party*, of private ambition, or personal resentment. In every county there is constantly a succession of people aspiring to appointments, civil or military: some desire to be judges, some justices, some majors, and some colonels; some have interests depending in the courts of law, and some, perhaps, have resentments against existing officers, and would fain oust them from their seats: all these, and a thousand more passions are set to work; and nominations to the legislature are directed, and supported, upon principles altogether beside those which should form the basis for a right election of legislative characters: the result must, of course, be unfavourable to the public good. But this is not all; not only are elections rendered vicious, and the morals of the *people* corrupted, in these struggles for personal advantages, but unhappily the *candidates* partake of the contamination: they must promise allegiance to their party: *you shall be a judge,* and *you a justice, you*

you a major, and *you a colonel, you a clerk*, and *you a commissioner; I will solicit your cause in the court of errors, and will vote for your friend to fill a seat in the judiciary.* If these kind of illicit engagements are not publicly or directly entered into, they are sufficiently understood and guaranteed by those friends of the candidate who take a leading part in his election. Instead of being elected with a national view, and for the purpose of forming general laws, for the more equal and salutary government of the people, the persons go there to represent the interests and gratify the desires of a few partizans in their different districts, *upon the performance of which will depend their re-appointment at the ensuing election!*

"When the legislature is *formed*, then begins a scene of *intrigue*, of *canvassing* and *finesse*, which baffles all description, and is too notorious to require proof, and *too disgusting for exhibition.* The members of a county, in which an office is to be disposed of, are beset by friends and partizans of the candidates; their hopes and fears are excited, by all the arts which can be

suggested; from these the attack extends itself till it reaches every member of the legislature; and so strong and so general does the contest become, by the different representations having each, particular objects to attain, that *one grand scene of canvass and barter ensues*: a vote for one, is made the condition of voting for another, without regard to qualifications; *even laws which are to affect the public interest, are made the price of these interested concessions*; and not unfrequently is almost the whole sitting of the legislature spent in adjusting the pretensions, and marshalling the strength of the respective candidates for office. To such a pitch has this grown, that even the members of the legislature complain of it, as an intolerable evil. There contests again lay the foundation for new parties and new sentiments at the next election. To counteract the opposition which may be stirred up, all the appointments will be made, with a view to strengthen the interest of the sitting members. New commissions, civil and military, judges and justices, general officers, general-staff and field officers, will be made, with a reference to the state of parties in the county,

instead of being dictated by a quite contrary spirit. It is within the knowledge of those conversant in the *courts of law*, that in the counties, many of them are become *mere, political clubs*. They take sides; and a man, before he brings on his cause, *counts the heads upon the bench*.

"The result of all this is seen and felt in every quarter. From hence proceed the jars and divisions *which destroy the pleasure of social life in every neighbourhood and village*; and from hence arises the instability of laws, the multiplication of magistrates, the weakness and division of the courts of justice, the heats and ill-directed zeal at elections, and that general langour and dereliction of principle in every department, which menaces the total depravation of the body politic."

Such Englishmen, such is the description of a legislative assembly, where "*equal representation*" prevails, where *almost every man* has a vote at elections, and where those elections do *annually* recur. The ambitious knaves, who flatter you with high notions of your rights and

privileges, who are everlastingly driving in your ears the blessings of what they call the "elective *franchise*," wish to add to the number of electors, because they well know that *they* would thereby gain an accession of strength. The only object that such men have in view, is the gratification of their own ambition at the public expence; and, to accomplish this object, they stand in need of *your* assistance. There is a continual struggle between them and the legitimate sovereignty of the country, which restrains them FROM PILLAGING, OPPRESSING, AND INSULTING THE PEOPLE. Hence it is, that they are constantly endeavouring to persuade the people, that that sovereignty requires to be checked and controuled; *in which nefarious endeavours, they are unfortunately but too often successful.* How they would act, were they once to engross the whole power of the state, you may easily perceive, from what has been disclosed to you respecting the legislature of an American republic. If you imagine, that *you* should be able to avoid the evils, which, from this source, the Americans have experienced, you deceive yourself most grossly. They

are as fond of freedom as you are, and they want no information, nor any good and great quality that you possess; but, having been too jealous of the royal authority, having lent their ears, and next their hands, to those demagogues who persuaded them that they were capable of governing themselves, they destroyed the only safe-guard of that liberty, for which they thought they were fighting, and the want of which they now so sensibly feel and so deeply deplore.

"Stick to the CROWN, though you find it hanging on a bush," was the precept which a good old Englishman gave to his sons, at a time when the monarchy was threatened with that subversion, which it afterwards experienced, and which was attended with the perpetration of a deed that has fixed an indelible stain on the annals of England. Blessed be God! we are threatened with no such danger at present; but a repetition of the precept can never be out of season, as long as there are Whigs in existence, and as long as there are men foolish enough to listen to their insidious harangues. The Crown

is the guardian of the people, but more especially is its guardianship necessary to those who are destitute of rank and wealth. The King gives the weakest and poorest of us some degree of consequence: as his subjects, we are upon a level with the noble and the rich; in yielding him obedience, veneration, and love, neither obscurity nor penury can repress our desires, or lessen the pleasure that we feel in return; He is the fountain of national honor, which, like the sun, is no respecter of persons, but smiles with equal warmth on the palace and the cottage; in his justice, his magnanimity, his piety, in the wisdom of his councils, in the splendor of his throne, in the glory of his arms, in all his virtues, and in all his honors, we share, not according to rank or to riches, but in proportion to the attachment that we bear to the land which gave us birth, and to THE SOVEREIGN, WHOM GOD HAS COMMANDED US TO HONOR AND OBEY.*

The present have been called "the days of

* Vide Political Register, Vol. i. page 791-2-3-4-5-6.

disloyalty," and in truth of the justice of the appellation, the clamours for what has been termed CONSTITUTIONAL AND PARLIAMENTARY REFOM have been cited. From whatever source *political delusion* may come, by whatever means it may be propagated, and in whatever degree it may prevail, can its prevalence ever be conducive either to the *interest* or honour of the nation?—Can it enlarge our understandings, or strengthen the integrity of our hearts? CAN IT LESSEN OUR WANTS or INCREASE OUR COMFORTS? At home can it *ever* make us *happy?* Abroad can it ever make us feared or respected? EXPERIENCE, sad EXPERIENCE, says NO.

On the contrary, it is the cause of all our calamities and disgraces, domestic and foreign. It is a slow but deadly poison to Britain. Amidst those blessings, which are the envy of her neighbours, it makes her peevish, malecontented and mad: it mines her constitution: it convulses her frame, IT ENERVATES THOSE COUNCILS AND PALSIES THOSE ARMS,

WITH WHICH SHE WOULD OTHERWISE ANNIHILATE HER FOES.

Those who have perused the recent Numbers of the *Political Register*, will scarcely believe it possible that the foregoing sentiments could have been promulgated by the same author: they may, however, rest assured, that every line is the genuine production of the identical William Cobbett, who now addresses us as the advocate of REFORM, who is now the sworn friend of the man whom he wished to "trample under his feet," who is now one of those very demagogues, of whom he has said that "their stalking-horse is *Reform*, but their *real object is the overthrow of the Monarchy;*" and that "while they are endeavouring to excite the people of Great Britain to *revolt against the Government, profess* great fidelity to their country, and *loyalty to their King* †; and who is now, according *to his own words*, endeavouring to persuade us, that

* Vide Porcupine's Works, vol. x. page 390, 391.

† Vide Cobbett's Works, vol. ix. p. 258 and 259.

the sovereignty requires to be checked, that he may "PILLAGE, OPPRESS, AND INSULT THE PEOPLE*." In is *Political Register* of this day, (May 13th, 1809) page 722, he tells us; that the constitution of our forefathers considers the House of Commons as a *check* upon the crown." Now let us see what he has before said on the subject, when the Question of *Reform* was agitated in the House of Commons, in 1797, Mr. Erskine, then a demagogue, stated that the office of the House of Commons was to *curb* and *controul* the power of the Crown, acting on the part of the people. Upon which sentiment Mr. Cobbett made the following remarks: —"*Precisely the contrary*, good lawyer. *defy* you to produce any sentence, phrase, or word in use among "*our forefathers*," from which it can *possibly* be presumed that the office of the House of Commons was to *curb* and *controul the executive power*; and with much more confidence I defy you to prove, that this House were ever looked upon as mere agents, acting on the part

† Political Register, vol. i. p. 725.

of the people. They are one branch of a Grand Council, the whole of the Members of which act for the King and the Nobility, as well as for the rest of the nation. Nothing is more invidious, nothing more repugnant to the principles of monarchy, nothing *more dangerous* and *leading to consequences more destructive,* than *this whiggish doctrine of separate powers, acting in opposition to each other.*"—(Cobbett's Works, vol. vii. p. 29.)

Thus has he given us two diametrically *opposite* accounts of '*the Constitution of our forefathers.*' And shall we be cheated by such knaves as this?* Shall we listen to the delusive voice of traitors, who are endeavouring to excite us to revolt, that they may "*pillage, oppress, and insult us?*—Let us first consider what *benefits* WE should obtain by furthering their visionary schemes; let us calmly compare our own situation with that of other European nations—and let us seriously reflect that the same tyrant who has subjugated France, Holland, Switzerland,

* "Ex uno disce omnes."—VIRGIL."

and Italy,—degraded Prussia, and desolated Spain, will not fail to take advantage of any civil commotion among ourselves, and, while we are contending for imaginary rights, despoil us of those real blessings, which Englishmen, and Englishmen alone, enjoy.

It must not be forgotten that WILLIAM COBBETT has told us that *eight years experience* had taught him "the *injurious* and *degrading* consequences of *discontent, disloyalty,* and INNOVATION," (for which he was once before an advocate), and that Englishmen "were the freest as well as happiest of the human race"—his present apostacy, therefore, admits of no palliation, and his wilful attempts to destroy our happiness must result from the most malignant and diabolical motives that ever debased the human heart.

We may now say of him, as he, in his Political Register of Dec. 11th, 1802, said of his present idol *Sir Francis Burdett,* "The wonder is not how a man can hold up his head, but *how he can bear to exist,* under the proof of

such glaring such shameful TERGIVERSATION!!!" Henceforward, Britons, I trust, you will duly *appreciate* the worth and *patriotism* of

WILLIAM COBBETT.

T. Gillet, Printer, 7, Crown-court, Fleet-street, London.

A

LETTER

TO

THE RIGHT HONOURABLE

LORD VISCOUNT MELVILLE,

ON THE SUBJECT OF

HIS LORDSHIP'S LETTER

TO

THE RIGHT HON. SPENCER PERCEVAL,

RESPECTING

A NAVAL ARSENAL

AT

NORTHFLEET.

BY THE RIGHT HON. GEORGE ROSE.

SECOND EDITION.

LONDON:

PRINTED FOR T. CADELL AND W. DAVIES, STRAND.

1810.

THE author has been enabled, in this edition, to give a correct extract from the report of the Commiſſioners for Naval Reviſion, reſpecting their opinion as to the ſhips of the enemy carrying their lower-deck ports higher out of the water than thoſe built in this country; which in juſtice to them he has inſerted. — See p. 11.

A LETTER, &c.

MY LORD,

IN making this addreſs to your Lordſhip, I have not the remoteſt intention of entering into a controverſy with you in conſequence of your letter to Mr. Perceval; to which I ſhould feel myſelf very unequal in every reſpect, even if the ground of the difference of opinion between us on the ſubject was much wider than it is. In truth that difference is more in degree than in ſubſtance, for if a new Naval Arſenal muſt be provided to the eaſtward, I am perſuaded a better ſituation than Northfleet cannot be found; from its eaſy acceſs to the Nore, and being free from the difficulties of the upper part of the river.

Some explanation is, however, neceſſary for my preſuming to addreſs you on a matter out of the line of my general purſuits in public buſineſs, eſpecially

upon one on which you have had opportunities that could not eſcape you in official ſituations, of informing yourſelf to the beſt advantage: and I cannot hope to be excuſed for doing ſo on a better ground than by ſtating, that after laſt Chriſtmas Mr. Perceval ſent to me in the country an abſtract of the 15th Report of the Commiſſioners for Naval Reviſion, made for the purpoſe of drawing his attention to the ſeveral points in it, which were conceived to be the moſt important for his conſideration. Unwilling to withhold the paper from others infinitely more likely to give uſeful advice upon it than myſelf, I ſent it back by the return of the poſt, and in a few days afterwards communicated to him the following obſervations. Having then recently conſidered moſt attentively the extent to which our expenditure had grown, I will fairly own, I made them under the influence of a firm perſuaſion of the abſolute neceſſity of reducing that in every practicable way not inconſiſtent with our ſafety: and I think it deſirable to give theſe ſuggeſtions in the ſtate they were offered at the time, to avoid as carefully as I can even the appearance of going out of my way to differ with your Lordſhip.

Cuffnells, January 6th 1810.

If it could be ſatisfactorily proved, that there is an indiſpenſable neceſſity, or even a preſſing urgency, for the Naval Arſenal at Northfleet to the extent propoſed, the amount of the expence likely to attend it ſhould not, I think, prevent the adoption of the meaſure; becauſe unqueſtionably the maintenance of our naval ſuperiority muſt be paramount to all other conſiderations whatever. But on the other hand it may ſafely be aſſerted, that there has been no period in our hiſtory when there exiſted ſtronger reaſons for carefully avoiding every charge not eſſentially neceſſary for the ſafety of the country.

It is therefore incumbent on thoſe who are moſt immediately intruſted with the public purſe, to examine with the moſt diligent attention any plan that may be propoſed, which is likely to occaſion a conſiderable expenditure; and it can convey no reflection on the diſtinguiſhed Nobleman at the head of the Commiſſion for Naval Reviſion, than whom I know not a man more eminent for ſkill in naval matters, or more to be reſpected for unbiaſſed integrity and unremitting zeal in the public ſervice, or on the other commiſſioners, to

ſuppoſe it poſſible in this inſtance, that they may not have been aware of the infinite importance of ſuch an examination. Under a ſtrong impreſſion of the great utility of the meaſure, they have very naturally brought forward every conſideration likely to influence the minds of others.

What the coſt of the whole of the works propoſed at Northfleet would be, is, I think, not ſtated in the abridged account extracted from the report; but the expectation held out by the commiſſioners cannot have been much leſs than 6,000,000l., as they ſay that the expence of the meaſure will be compenſated by the ſavings in the firſt fifteen years, amounting to 5,900,000l.; and conſidering how infinitely the real charge exceeds the eſtimate in all caſes of this ſort, it is not likely that the whole work, with the extenſive fortifications neceſſary for its defence, in a ſituation more expoſed than Chatham, would be completed for a ſum lower than 10,000,000l.; for whatever difference of opinion has prevailed about fortifications, there never was one expreſſed by any authority againſt effectual protection for our great Naval Arſenals. The ſum

above-

above-mentioned will therefore not be thought an extravagant conjecture; for which taxes muſt be found to produce nearly 600,000l. a-year.

The advantages that would attend the introduction of the uſe of mechanical powers to perform work in our dock yards, now done by the hands of men, are unqueſtionable; and it has long been a matter of ſurprize to me that it has not been much earlier conſidered, how far that was practicable in the preſent yards; as we have ſeen mechanical engines, eſpecially thoſe worked by ſteam, applied for the abridgment of labour in almoſt every private eſtabliſhment of magnitude in the kingdom; by the uſe of which the articles manufactured have not only been furniſhed at a much leſs expence, but have been improved in quality. The convenience and œconomy of railways, for carts, &c. to move in, is equally evident.

I am ready to make an admiſſion alſo to the projecters of the plan (without knowing the fact), that great advantage would be derived from building all the large ſhips of war, and making the whole of the cordage, and perhaps the anchors, in His Ma-

jeſty's yards; but I am inclined to think it would by no means be adviſable to introduce manufactures of canvas there, about which I ſhall ſay more before I finiſh this paper.

That the attainment of the objects on which there is no difference of opinion, could be infinitely better provided for in a new Naval Arſenal of ſufficient extent than in the preſent yards, not only on account of the additional ſpace that would be acquired, but by making all the arrangements of the buildings moſt advantageous for the application of machinery, it would be abſurd to deny; but the point for attentive conſideration is, whether the ſuperior benefits that would be derived from the new Arſenal are ſufficient to juſtify the unavoidable expence that would be incurred.

Other circumſtances are, however, ſtated by the commiſſioners to induce the adoption of the plan.

The want of ſufficient depth of water at the preſent dock-yards; an inconvenience ſaid to be rapidly increaſing.

improper ſituations in which they are placed.

— inſufficiency of them to maintain the navy on its preſent extended ſcale.

— want of ſpace for ſhips in ordinary.

— decline of the dock-yards; the means of naval ſuperiority being thus leſſened.

— neceſſity for our building the large ſhips of ſuch a conſtruction, as to prevent their carrying their lower-deck ports as advantageouſly as thoſe of the enemy.

— diſtance at which the ſhips are from the yards, which affords opportunities for embezzlement; expence of craft, &c. &c. &c.

In ſuch a caſe as the preſent I ſhould juſtly incur the imputation of great preſumption if I were to do more than recommend that opinions offered by men of the higheſt profeſſional character, ſhould be conſidered before a meaſure which muſt be attended with a moſt enormous expence is adopted.—I repeat that it is perfectly natural they ſhould propoſe ſuch a meaſure, impreſſed as they are with its importance. The point I wiſh to preſs for attention is, whether material parts of it cannot be obtained in the preſent yards at a limited expence, though not to ſo great advantage as in a new Naval

Arſenal; and whether the urgency is quite as great for that propoſed as the zeal of the commiſſioners for the improvement of the navy has induced them to repreſent.

With reſpect to laying cordage by machinery, an highly uſeful work, and I believe the moſt important of thoſe propoſed to be done by ſteam, both as to œconomy and the improvement of the article; I have a perfect conviction, formed on no light ground, that ſufficient room may be found for it in the preſent yards; and in many of them it ſeems probable machinery might be erected for all the other purpoſes ſuggeſted except the manufacture of canvas.

The forming railways to a conſiderable extent cannot be difficult, though not to ſo much advantage as if the buildings, &c. had been conſtructed with a view to them.

The inconvenience, urged by the Commiſſioners as rapidly increaſing, of an inſufficiency of the depth of water in our dock yards is a moſt ſerious evil. It is I believe not felt at Plymouth, where

ſhips

ſhips of any draft of water can enter the harbour and be docked; and equal convenience has been afforded by modern improvements, as far as reſpects the docks at Portſmouth; at the latter it is not the depth of water in the docks, or in the harbour, that is complained of, but the bar near the ſpit at the entrance of the harbour:—an inconvenience, I admit, nearly as great as ſhallow water in the docks or harbour would be, unleſs it can be removed; the practicability of which has probably not eſcaped attention; otherwiſe it certainly ought to be conſidered.—At Sheerneſs no ſhip larger than one of 64 guns can be docked, but at Chatham firſt rates may be taken in. The objections to the yards at Woolwich and Deptford ariſe principally from the want of water in one or two of the reaches above Graveſend, Erith in particular *.

* As high as Long Reach, veſſels of any draft of water may be navigated with perfect ſafety; but ſhips of great draft are lightened there, and wait for ſpring tides before they go higher up. The large Indiamen draw 23 or 24 feet, within a few inches of a ſeventy-four gun ſhip. The depth of water in the ſtream of the Thames continues nearly the ſame, (though the ſhores are covered with mud) by the exertions of the Trinity Houſe, who take up above 300,000 tons of gravel yearly from the bed of the river, but the collection of mud there is about equal to that: in particular ſpots, however, I believe the depth has been ſomewhat improved.

And here may ariſe two queſtions for conſideration, 1ſt. Whether the ſhoal in Erith Reach can be removed, and at what expence; and, 2dly. If that ſhould be found impracticable or too expenſive, what the charge would be of making a cut from Purfleet to Blackwall, ſufficiently deep for ſhips of the largeſt draft of water to paſs through. The latter queſtion is the more important, as it is of great conſequence to the trade of the capital, as well as to the naval yards in the river; ſuch a cut has been in contemplation, and if it could be undertaken, it is probable the expence either of that, or of deepening Erith Reach, might be defrayed by a charge on the trade of the port, which would be compenſated by the ſaving ariſing from avoiding delays, frequently very expenſive and inconvenient: in either of which caſes the yards of Woolwich and Deptford might perhaps be enlarged and rendered more uſeful.

The conſideration next in importance to the obtaining deeper water at the entrance of Portſmouth Harbour and in Erith Reach, is the capacity of the preſent Yards for the building and equipment of ſhips for the navy; having already referred to the prac-

practicability of erecting machinery in them. In this part of the ſubject it is proper to take notice of the obſervations of the Commiſſioners, as ſtated in the abridgement * of the Report, reſpecting " the " neceſſity which unfortunately exiſts, of not giving " the large ſhips ſufficient depth of hold to enable " them to carry their ports ſo high out of the " water as the ſhips of our enemies; owing to " which the large ſhips of France and Spain are

* Since the publication of the firſt edition, I have been favoured with the following correct extract from the report of the commiſſioners; which I think it right to give in their own words:—' In addition to the diſadvantages ariſing from the ' want of a ſufficient depth of water in the Royal harbours, ' there is another which we cannot ſtate in more forcible terms ' than the Navy Board did in a letter of the 9th of November ' 1806 to the ſecretary of the admiralty, as follows: " We " muſt beg you will be pleaſed to draw their Lordſhips' at- " tention to the want of the depth of water in the ſeveral " King's ports; this conſideration has prevented our giving the " ſhips more depth, as we could not but be aware (even with- " out the examples of the many French ſhips which have been " taken,) that increaſed depth of hold would give the ſhips " more ſtability, and enable them to carry their ports higher, " provided they are not loaded with increaſed weights. If the " ſhips of the firſt and ſecond rates be deepened generally, the " difficulty of docking them, and laying them up in a ſtate of " ordinary, muſt be increaſed."

" frequently

" frequently enabled to uſe their lower-deck guns " at a time when the lower-deck ports of our large " ſhips are under water, and the guns rendered " incapable of being brought to bear upon the " enemy."

On reading what the Commiſſioners ſay on theſe points, without the remoteſt intention, I am perſuaded, of exaggeration; but inſenſibly carried away by their zeal for improvements, a perſon quite new to the ſubject would be diſpoſed to think that no endeavours had been uſed for making improvements in our Naval Arſenals, to keep pace with the increaſe of our navy: whereas at Portſmouth alone, 23 acres have been added ſince the end of the ſeven years' war in 1763; that yard now containing 100 acres; in the new part of which are ſlips for building three ſhips of the largeſt ſize, and two for ſmall ſhips. In Sheerneſs yard ſome additions have been lately made, the extent of which I do not know; nor am I apprized of what improvements have been lately made at Chatham, but thoſe at Plymouth have been very complete. With the certain knowledge, however, of the very extenſive improvements at Portſmouth, of ſome at Sheerneſs, and

and obſerving no neglect at Woolwich and Deptford, I am not aware of what the Commiſſioners allude to, when they ſpeak of the decline of the dock yards, and the means of our naval ſuperiority being leſſened; eſpecially as the additional convenience at Portſmouth, provided within the laſt 40 years, is not confined to building ſhips. The great baſin there has been deepened and enlarged; the middle dock, ſouth dock, and ſouth eaſt dock, in the great baſin, made new; the four jetties have been enlarged; the north baſin deepened and enlarged; the channel leading to the baſin formed into a dock for frigates, and the entrance formed into a lock for receiving a ſhip occaſionally. When it is conſidered likewiſe, that within the ſame period, the coppering our men of war has come into general uſe, which prolongs the time very conſiderably during which they can continue afloat without being docked, the proviſion made for docking them ſhould be reckoned as two or three fold.

Difficult as I find it to underſtand the alluſion of the Commiſſioners to *the decline of our dock yards*, I am equally unfortunate as to the comparative advantage

vantage (in the opinion of the Commiſſioners) in the conſtruction of the ſhips of the enemy over thoſe built in this country, with reſpect to their being able to uſe their lower tier of guns, when the lower-deck ports of our ſhips are under water; which I am perſuaded ariſes from my ignorance in profeſſional matters. It will be ſeen in the following inſtances (not ſelected for the purpoſe), that the actual heighth of the lower-deck ports in our ſhips is about the ſame as in thoſe of the enemy: and if the greater draft of water gives additional ſtiffneſs to a ſhip when it blows freſh, and ſo enables her to fight her lower guns better, even in that caſe the additional draft of the ſhips of the enemy above ours is inconſiderable.

Of firſt-rates I have not the means of making a compariſon between the French and ours; I believe indeed we have not now a French ſhip of this claſs in commiſſion; but the Spaniards have long been ſuppoſed to build as fine ſhips of war as the French; with thoſe the compariſon ſtands thus; a Spaniſh and an Engliſh ſhip of the ſame claſs, are lying along-ſide each other at Spithead at this time:

			Height of midſhip ports out of the water. Feet. Inches.
Britiſh.	Caledonia	120 Guns	5 6
Spaniſh.	San Joſeph	114 Guns	5 6

Of third-rates we can make the compariſon between the Engliſh and French.

			Height above the midſhip port. Feet. Inches.
Britiſh.	Milford	74 Guns	5 4
	Revenge	——	5 3
	Ajax	——	5 11
	Majeſtic	——	5 10
French.	Tigre *	74 Guns	4 3½
	Impetueux	——	4 10
	Implacable	——	5 8½
	Donegal	——	5 4

It having been thus ſhewn that the enemy has no advantage in the heighth of the lower-deck ports above the water, it remains to be conſidered whether there is ſuch a difference in the conſtruction, occaſioning an increaſed draft of water, as to create a neceſſity for a new dock-yard on that account.

			Load Draft of Water. Feet. Inches.
Britiſh.	Caledonia	120 Guns	26 0
	Milford	74	24 6
	Revenge	74	24 6

* This French ſhip, drawing the moſt water of any in the ſame claſs, appears to carry her lower-deck ports nearer to the water than the others.

Ajax

			Load Draft of Water. Feet.	Inches.
	Ajax	74 Guns	23	3
	Majeſtic	74	23	9
Foreign.	San Joſeph	114	27	1
	Tigre *	74	25	4
	Impetueux	74	24	0
	Implacable	74	24	0
	Donegal	74	24	4

Hence it appears that the greateſt difference in the draft of water is in a firſt rate 13 inches, and not more in moſt of the third-rates; in ſome caſes in the latter no difference can be inſiſted on.

I am next led to advert to proviſion being made for laying up ſhips in ordinary in time of peace; of which I admit the neceſſity; but a queſtion upon this naturally ariſes, Whether in conſequence thereof the incurring the heavy expence of making wet docks or baſins of ſufficient capacity for the purpoſe, is unavoidable? Or whether ſpace may not be found in the vicinity of the preſent dock yards? In conſidering which, when it is admitted that a baſin is much more convenient than a river for laying up ſhips, as the expence of moorings and boats are

* This French ſhip, drawing the moſt water of any in the ſame claſs, appears to carry her lower-deck ports nearer to the water than the others.

thereby

thereby ſaved, and the ſhips are in a ſtate of quietneſs, it muſt at the ſame time be recollected, that the danger from accidental fire, or the deſtruction by an incendiary, or from a bombardment, is much greater in the former than in the latter ſituation. I have underſtood that in the Medway, at leaſt double the number of ſhips may be moored than ever were laid up there, as there is ſufficient depth of water for them between Gillingham and Standgate Creek; and in the latter I was informed, when laſt there, moorings might be laid down for eight or ten, as the Lazarette on ſhore is now in uſe. In the Southampton river, emptying itſelf into the ſea within the Iſle of Wight, and conſequently ſmooth water, there is a ſpace above Calſhot Caſtle of nine miles, in a great part of which, moorings might be laid down for large ſhips. In the Hamble river, emptying itſelf into the Southampton river, there is a ſpace of four miles between Burſledon (where 74 gun ſhips are built,) and the mouth of it, equally convenient for ſhips of a ſmaller ſize; and in the Beaulieu river, cloſe to the Southampton water, there is a conſiderable ſpace between Buckler's Hard (where alſo 74 gun ſhips are built) and the mouth of the river. Of additional accommodation in the neighbourhood of

Plymouth I cannot ſpeak conſidently, but I have been aſſured that it may be obtained in different branches of the Tamar.

Without deciding upon the comparative advantages and riſks between ſhips being laid up in baſins, and their lying at moorings in ſafe harbours, and ſtill rivers, it may be obſerved, that the latter practice has prevailed from the earlieſt period of our naval hiſtory, and we have not heard of miſchiefs reſulting from it.

The argument uſed by the Commiſſioners, of our preſent ports being on a lee-ſhore, as applying to Portſmouth and Plymouth, can have reference only to the Arſenals being on the moſt inconvenient ſides of the harbours, becauſe the oppoſite ſhores of the Channel belong to the enemy; which circumſtance may make it a little more inconvenient for ſhips to get out of the harbours, but can occaſion no material delay: and however prevalent the wind from the weſtward is, I believe it does not often happen that a ſhip could go down the Channel from a French, when ſhe could not do ſo from an Engliſh port on the oppoſite coaſt; but if I am miſtaken about that,

it

it would not affect the preſent queſtion for the reaſon above-mentioned. Applying the objection to a lee-ſhore, to the extent of preferring one ſide of the river Thames to the other on that ground, ſeems to be preſſing it very far; but this is not worth entering upon.

The obſervations on the inconvenience and loſs ariſing from the ſhips neceſſarily lying at a diſtance from the dock yards, to take in their ſtores, which affords opportunities for embezzlement, muſt apply principally to Deptford and Woolwich. At all the other yards the ſhips lie within a trifling diſtance from the jetties and wharfs *; and even at thoſe in the river I apprehend all the ſmall ſtores of the Boatſwain, Gunner and Carpenter, ſuch I mean as are capable of being plundered, might be put on board cloſe to the yards without bringing the ſhip down one inch in the water; and the delay of delivering the remainder in Long Reach, cannot be conſiderable, unleſs in very bad weather, as the Hoy which carries

* At Portſmouth the ſhoal-water at the entrance of the harbour does not prevent the large ſhips from taking in their heavy ſtores cloſe to the yards; although their guns may not be taken in till they get to Spithead.

them will always get down in one tide. The expence of employing craft on ſuch ſervice, ſtated by the Commiſſioners, appears to be too trifling to deſerve attention.

The ſituation of the yards of Portſmouth and Plymouth, it is conceived, are as good as can be found for channel or foreign ſervice, except Falmouth; where at ſome time it may be deſirable to provide convenience for making that harbour a rendezvous for line-of-battle ſhips, which, I believe, might be done at a very moderate expence. To this place, however, I am aware objections have been made; applying to the narrowneſs of the road for mooring ſhips of the line in ſafety; to their getting out with the wind from ſouth-eaſt to ſouth; and to the danger from the Manacle rocks, which lie about ſeven or eight miles from the harbour's mouth. To all which I have in my poſſeſſion anſwers which appear to me to be perfectly ſatisfactory; and I have likewiſe a liſt of 656 ſhips and veſſels in His Majeſty's ſervice, of which 69 were of the line and 83 frigates, that arrived at, and ſailed from Falmouth, from 1805 to 1808, without an accident having happened to any one of them. In the latter part

of

of Mr. Pitt's adminiſtration, enquiries were made by ſkilful men as to the uſe that might be made of this port; and the reſult eſtabliſhed the certainty that it might be rendered highly advantageous to the naval ſervice of the country.

Chatham and Sheerneſs are well ſituated for the North Sea, as to equipment; in the former of which large ſhips may be built and receive thorough repairs; and thoſe in the river are uſed for building large ſhips, and giving thorough repairs to frigates. If the arſenal at Northfleet ſhould be erected, I apprehend its principal uſe (excluſive of containing the ſhips in ordinary,) muſt be to ſupply the defects of the eaſtern yards; it cannot anſwer for docking and fitting ſhips for the weſtward, on account of the length of time uſually occupied in ſhips going from the Nore to Spithead or Plymouth, for which different winds are neceſſary *

When

* It is not improbable that a ſhip might go from Plymouth to the Weſt Indies, while one was getting from Graveſend to Plymouth; the ſuppoſition is not extravagant in the caſe of a large man of war: the advantage of the weſtern ports for docking, ſmall repairs and fitting, for all ſervices except the North Seas, is therefore incontrovertible. A fleet ſailed from

Portſ.

When the Commiſſioners ſay that a ſhip may make that paſſage with any wind, they muſt mean, I ſuppoſe, as far as the Downes, and that only in moderate and ſettled weather, (not much to be relied on in the winter ſeaſon,) owing to the intricacy of the navigation: from the Downes they cannot go down the Channel with a weſterly wind.

I come next to ſome poſitions of the Commiſſioners, on which I am under a conſiderable diſadvantage, as the ground on which they reſt is not ſtated in the Abſtract.

1. That ſhips will be fitted in the new yard in half the time, and at half the expence now incurred.

2. The mode of returning the ſtores would enable them to be uſed again; which at preſent is ſeldom the caſe.

Portſmouth for foreign ſervice, the ſame day that Colonel Crawfurd ſailed with the force under his command to South America, from Falmouth; and accounts were received from him to the ſouthward of the Line, on the ſame day that the Portſmouth ſquadron ſailed from Plymouth; which port only they could reach, while the other croſſed the Line, and a ſhip came from there to this country. This will appear the leſs ſurprizing, if the prevalence of weſterly winds in the Channel is conſidered.

On

On theſe two points it would be unfit to make any comment, till the reaſons in ſupport of them ſhall be ſeen in the Report: I will only ſay in the mean time, that I ſhould think it difficult for much greater expedition to be uſed, than I have been an eye-witneſs of at Portſmouth.

3. Officers would be ſooner ſet free when ſhips are paid off. — A ſhip being unrigged in a baſin, might be ſtripped in a few days leſs, and the ſtores returned ſooner than in a harbour; but at Portſmouth there is a baſin which would contain as many ſhips as are likely to be paid off at once.

Thus far for the advantages expected to be derived to the navy from the new Naval Arſenal. The ſaving to be effected by it is eſtimated at 5,900,000l. in the firſt 15 years, and an equal ſum in every 15 years afterwards; to ariſe from—

Building ſhips in the King's yards, inſtead of by contracts with private builders,	2,580,000
By making cordage and canvas	3,320,000
	£ 5,900,000

The particulars in ſupport of this eſtimate are probably detailed in the Report; I will, therefore,

ſuppoſe the amount accurately ſtated in the paper ſent to me. But in that caſe it would not be in my mind, as at preſent adviſed, an inducement to adopt the propoſed meaſure; becauſe I believe if workmen could be found, there is ſufficient accommodation in the King's yards for building the requiſite number of ſhips.

The Commiſſioners ſay that the number of ſhips of the line and of 50 guns, including thoſe built in the King's yards, Merchants' yards, and taken from the enemy in the 18 years previous to this Report, which were ſufficient to carry our navy to its then flouriſhing ſtate, amounted to 106, equal to about ſix in a year, and as we have 20 ſlips in the preſent dock-yards for ſhips of the line, the whole number neceſſary might be built in thoſe, allowing each to be more than three years in hand, which muſt be admitted to be a reaſonable time for ſeaſoning. If there are not already ſufficient ſlips in the King's yards for frigates, I ſuppoſe more may be provided. How far it would be practicable to get a ſufficient ſtrength of artificers for carrying on the whole of the new work, and for the repairs of the navy; or if that could be accompliſhed, how far it would be prudent to engage

ſo

ſo much larger a number than could be employed in peace, I will not take upon me to ſay. I remember when the Pegaſe was taken by Lord St. Vincent in 1781, it was reported that ſhe was built in 70 days. That was perhaps not true; nor, if true, is it meant to ſuggeſt that it would be expedient to attempt to follow ſuch an example; as I have always underſtood that one certain advantage of building in the King's yards, is, that from the length of time the ſhips are uſually on the ſtocks, the timber is well ſeaſoned, in conſequence of which they continue longer ſerviceable than thoſe built more quickly in merchants' yards.

The ſaving on Cordage might be made in the preſent yards, nearly, if not quite, to the whole extent, as in the new Arſenal; if I am right in ſuppoſing that machinery for that article might be erected in theſe.

To the expediency of introducing a manufactory for Canvas in a Naval Arſenal, already alluded to generally, there ſeems to be ſerious objections; and the ſaving (if any) may be at leaſt as well effected

by

by the public eſtabliſhing one or more *, under ſuperintendants of its own, in the moſt convenient ſituations that can be found. The introduction into yards of great numbers of men, women and children, who muſt be employed in ſuch a manufactory, would alone be a great evil; and to prevent miſchief therefrom, much of the time of the ſuperior officers would be taken up, interfering with their more important avocations of building, repairing, &c.

You will judge how far theſe obſervations are entitled to conſideration; I never till now heard the meaſure ſpoken of, except looſely as one to which it might be expedient at ſome time or other to reſort; no other reaſon occurred to me, therefore, againſt it, except its enormous expence. In ſuch a caſe, the arguments in ſupport of an opinion, formed to a certain extent, without a due examination, ſhould be ſcrutinized with at leaſt the ſame ſeverity as thoſe ſtated in ſupport of one, conceived by

* Such manufactures might afford excellent employment in the naval ſchools, which I have long felt anxious for the eſtabliſhment of.

the party propoſing it to be of great utility, without having duly reflected on all the difficulties attendant on its adoption. Many of mine may be found to be erroneous or irrelevant. I feel my inferiority of judgment on the ſubject to that of the framers of the Report very ſtrongly, and moſt unaffectedly: more eſpecially as it is ſaid to be ſupported by the authority of ſeveral gentlemen of the very higheſt reſpectability, (two of whom I have the good fortune to know perſonally) but who may perhaps have had in view only the beſt poſſible arrangements for a Naval Arſenal, without weighing concomitant circumſtances *. With the ſenſe of their ſuperiority ſtrongly impreſſed on my mind, I ſtill feel that ſome facts which I have ſtated deſerve conſideration; becauſe I am confident that ſteam-engines may be applied in the preſent yards with great advantage to many purpoſes, ſuch as the making cordage, to the ſawing of timber, rolling and forging copper and iron, working the cranes, and perhaps for other uſes. The ſpaces which they would occupy, would certainly, in moſt caſes, be much leſs than is now

* Mr. Rennie, Mr. Huddart, Mr. Mylne, Mr. Jeſſop, and Mr. Whidbey.

taken

taken up by the mode in which the different articles are manufactured. Under which conviction, if that ſhall be admitted to be correct by competent judges, I am quite ſure the meaſure in contemplation ſhould not be propoſed to Parliament, till a careful ſurvey of each yard, as it now ſtands, ſhall be taken, in order to aſcertain what improvements can be made in them reſpectively; on which ſurveys, well-digeſted deſigns may be prepared for the future probable increaſe of the improvements; ſo that as the preſent buildings ſhall decay, or may be gradually taken down, new may be erected in ſuch ſituations as, in the end, to render the whole complete.

The expence of ſuch ſurveys would be inconſiderable, and one year only would be loſt. If the reſult ſhould be a complete adoption of the North-fleet plan, the perſon propoſing it would go to Parliament with a much better ſanction than the recommendation of the Commiſſioners for Naval Reviſion, highly reſpectable as their authority is. The throwing down great and extenſive buildings in two dock-yards, as propoſed, which have been erected at an immenſe expence, and ſetting up

others

others on a new ſpot of ground, even if the charge to be incurred ſhould be only one half of what has been ſtated, would ſurely require much deliberation, if the reſources of the country were as abundant as they ever were. Of theſe I do not mean to ſpeak *with deſpondency; with proper management* I am perſuaded they will carry us through all our difficulties, whatever their duration may be.

I have not entered on the queſtion alluded to by the Commiſſioners, reſpecting the comparative œconomy between taſk-work and day-pay, becauſe, as far as the former can be adopted, it may be as eaſily done in the old yards as in a new one.

The only other point touched upon in the abſtract, and that but ſlightly, relates to Milford Haven; but as the building ſhips there is ſuggeſted, I cannot reſiſt recommending that ſome enquiry may be made before any eſtabliſhment is fixed for that purpoſe; the convenience of ſuch a one can hardly ariſe from an abundance of timber in the neighbourhood; as I remember to have heard, that by far the greater part uſed for the conſtruction of the Milford of 74 guns built there, was ſup-

plied from the foreſt of Dean; which would otherwiſe have been carried to His Majeſty's yard at Plymouth. As a port for ſhips of war to reſort to, except a few on the Iriſh ſtation, I ſuppoſe it has ſeldom been uſed, unleſs by ſhips putting in accidentally.

I well remember the late Mr. Greville labouring inceſſantly during twelve years to obtain a naval eſtabliſhment there; but he failed in that, though he ſucceeded in two other ſchemes for the benefit of the port; in one of the caſes, at a great and uſeleſs expence to the public. A ſtrong ſolicitation was urged even to make it a tobacco port, notwithſtanding its extreme inconvenience in point of ſituation for importing and exporting, and that there is but little home-trade near it.

If theſe very ſuperficial remarks, haſtily made, ſhall contribute in any degree towards inducing you to conſider the whole ſubject attentively, and to avail yourſelf, without delay, of the beſt advice you can obtain as to the practicability of improvements in the preſent yards, and the extent to which theſe can be carried, I ſhall think my time has not been ill employed.

THESE were the obſervations made to Mr. Perceval at the inſtant of my reading the paper ſent to me by him; and acknowledging as I do, that there is much force in your Lordſhip's ſtatements, and in the arguments in ſupport of them, I am compelled to ſay that if I had been ſo fortunate as to have had the benefit of thoſe, when writing to the firſt lord of the treaſury, I ſhould ſtill have endeavoured to preſs on his mind the expediency of having the fulleſt poſſible information reſpecting the improvements which may be made in the preſent yards, before any thing ſhould be done at Northfleet *; becauſe without that a proper judgment cannot be formed of the extent to which the new work, if decided on, ſhould be carried; and an uſeleſs expence might otherwiſe be incurred by its being begun on a larger ſcale than might ultimately be deemed neceſſary;—for ſuch an enquiry, men more competent than thoſe mentioned by your Lordſhip cannot be found in this country, nor I believe in the world †. It is

* Even for the works neceſſary for a dock-yard, as ſuggeſted in p. 47, in your Lordſhip's letter.

† See p. 27, of this tract.

true

true that theſe gentlemen, or ſome of them, have already examined the dock yards, but not for the purpoſe to which I endeavoured to direct Mr. Perceval's attention. The immediate object, I think, ſhould be to have correct ſurveys made of each yard as it now is, that it may be aſcertained what ſteam-engines can be erected, and other improvements made for the works to which they are ſuited in the dock-yards; and that they may be arranged in ſuch a manner, as to admit of their benefits being extended, as the further increaſe of the yards may require.

With the aid of ſuch ſurveys, well digeſted deſigns for the future enlargement of the Arſenals may be prepared, with a view to their gradual improvement, ſo that as the preſent buildings decay, new ones may be erected in ſuch ſituations as in the end may render the whole complete; from the want of which, I am afraid ſome of the buildings lately erected in the dock-yards, have not been placed to the beſt advantage.

It was an alarm at the expence of the undertaking, that led me to ſtep out of my line, to ſubmit

mit advice to Mr. Perceval., Concurring with your Lordſhip, as I do entirely, "that the country can "never be ſerved by a government of uncon- "trouled departments," I thought it important that he ſhould ſatisfy himſelf of the neceſſity of an immenſe expence being incurred, before he ſhould give his ſanction to it; for which I was the more anxious, under a conviction, not ſhaken I muſt confeſs by any thing in your Lordſhip's letter, that the ſavings to meet the charge, or in diminution of it, will be extremely inconſiderable. The eſtimate, as already noticed, is nearly 6,000,000l.; nothing is included in that for defence; and notwithſtanding your Lordſhip's remarks on the triteneſs of the obſervation reſpecting the actual expence generally exceeding the eſtimate, and your reference to the works lately executed by private companies in the river, I am perſuaded the arſenal would not be finiſhed for any thing like that ſum; and that I was guilty of no exaggeration, when I ſuggeſted to Mr. Perceval the probability of an expenditure of 10,000,000l., including the extenſive fortifications that would be requiſite for it's defence; without taking any thing into the calculation for the troops to be employed in them.

If I am right in ſuppoſing that all the machinery neceſſary for the ſeveral purpoſes wanted, may be erected in the preſent yards, and that there are ſlips ſufficient in them for building all the line-of-battle ſhips, the articles of ſaving will be reduced to the doubtful one of building frigates and ſmaller veſſels; the mooring chains, and the charge for the men in ordinary, whoſe wages would be ſaved by the ſhips being in a baſin, inſtead of in a river or harbour. Some miſconception muſt have prevailed, I think, about the plunder of ſtores; no new protection againſt which at the great ports of out-fit has been thought of. In the inſtances your Lordſhip mentions of eight months' ſea ſtores having been conſumed before the ſhips left the Nore, the groſs corruption of the officers muſt have been notorious, and it muſt be hoped was moſt ſeverely puniſhed, as a warning to deter ſuch manifeſt delinquency in others

On

* This fact ſurely deſerves a moſt minute inveſtigation, to have it aſcertained whether the ſtores alluded to were actually plundered, or were articles that had been worked up for the ſhip's uſe; this is the more important, as the charge refers to more than one caſe. Mr. Colquhoun, whoſe authority is quoted, ſtates the plunder of ſtores in the yards at Portſmouth, Plymouth

On eſtimating the ſaving ariſing from a great number of ſhips of the line being laid up in a baſin, ſome allowance ſhould be made for the charge to be incurred for keeping it in repair. Other conſiderations, indeed, of a much higher nature, ſhould alſo not eſcape attention; to which I have ſlightly alluded in my paper to Mr. Perceval, namely, the danger of fire from accident*, or from an incendiary; nor ſhould we exclude from our mind attempts that may be made by an enterprizing enemy, induced thereto by the hope of deſtroying a large part of our navy at once; as he will now be able, unfortunately, to collect an immenſe force

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Plymouth, and Chatham at 700,000l. a year; and as he ſuppoſes the value of thoſe in the former to be greater in amount than the other two, his eſtimate of the plunder at Portſmouth alone muſt be nearly 400,000l. annually! where now, at leaſt, there is as much vigilance as in any merchant's warehouſe. And in the Thames, he mentions ſome river-pirates weighing a ſhip's anchor off Rotherhithe, in the night, with which, and *a whole cable*, they actually rowed away in the preſence of the captain (who, with his crew, had been aſleep while the operation was going on), telling him what they had done, and wiſhing him a good morning!

* If it is intended that no fires ſhall be allowed in the ſhips, to guard againſt accidents, barracks muſt be built and kept in repair, for the officers and men who have the care of the ſhips to reſide in; reſpecting the expence of which ſome conjecture may now be formed.

oppoſite to the mouth of the Thames, and within 24 or 30 hours ſail from it, with one wind.

Having ſtated as conciſely as I could my reaſons for thinking that an enormous expence ſhould not be incurred, for a new naval arſenal to the extent propoſed, I am ready to admit, that the means of offenſive operations France has acquired, by the energy with which it has eſtabliſhed an immenſe arſenal at Antwerp, and by the acquiſition of all the ports of Holland, we may probably be compelled to keep a much larger number of line-of-battle ſhips conſtantly to the eaſtward, than have hitherto been found neceſſary; in which caſe the preſent Eaſtern Docks may not be found adequate for repairing and refitting the fleets to be employed in thoſe ſeas, with a ſufficient degree of expedition, ſo as effectually to ſupply the deficiency of the yards at Chatham and Sheerneſs for that ſervice. But I ſtill feel confident, that, before the larger or the narrower ſcale is finally decided on, an accurate ſurvey of the preſent yards ſhould be made, and that detailed plans for their improvement ſhould be given*

* I am aware of the opinion of the Commiſſioners for Naval Reviſion, quoted in p. 28. of the Letter, and of the

When your Lordſhip obſerves, "that ſome "enlargements have been made to the yards "within the ſpace of time I am ſpeaking of "(that is from the reign of Henry VIII. to the "preſent year), and that ſome few docks and ſlips "have been added, and ſome ſtorehouſes built, "but that the additions have by no means kept "pace with the augmentations of our navy," you hardly do juſtice to thoſe who have preſided in our naval departments for nearly three centuries. Anderſon, in his Hiſtory of Commerce, ſays: "How "much theſe dock-yards, ſtorehouſes, &c. (in Kent) "have been increaſed and improved ſince Camden's "time, and even ſince the firſt edition of Biſhop "Gibſon's Additions in 1692, would require a "volume fully to deſcribe: and there are enlarge-"ments, as well as very uſeful and beautiful im-"provements, conſtantly making to thoſe places, "and alſo to the two famous ports of Portſmouth "and Plymouth."—Your Lordſhip indeed ſtates,

reference to the Reports of Meſſrs. Jeſſop and others, *in* p. 29. but it is the report of ſuch civil engineers, and detailed plans from actual ſurveys, that I wiſh the Miniſter to be in poſſeſſion of, after the attention of thoſe gentlemen ſhall have been called to the preciſe point in view.

that

that the latter was formed in the reign of King William; and I have already obſerved that, ſince the end of the ſeven years' war, the yard at the former has been enlarged more than one-third; and additions made in it of ſeveral docks, baſins, and very extenſive ſtorehouſes, with other very conſiderable improvements. With the modern additions and improvements in ſome of the other yards I am not ſo well acquainted, but I believe they have been extenſive. If meaſures have not been taken for deepening the water at the bar near the ſpit, at the entrance of the harbour at Portſmouth, and for increaſing the back-water to prevent the future increaſe of the bar, no more time I think ſhould be loſt in attempting works of ſuch infinite importance; unleſs they have been deemed impracticable by competent judges.

The uſe of Northfleet, as a port of out-fit, would be confined to the equipment of the ſhips employed to the eaſtward; for thoſe on channel and foreign ſervice it could not be rendered ſerviceable, on account of its diſtance, and the prevalence of the wind in the ſouth-weſt quarter during two thirds of the year: ſhips would get from the Nore (as I obſerved to Mr. Perceval) to the Downs with almoſt

any

any wind in moderate weather*; but there they would be likely to be detained frequently for many weeks, in an extremely bad anchorage, with the wind at ſouth-weſt or ſouth-ſouth-weſt; during which time there might be a preſſing urgency for employing them. In the early part of the year the wind prevails from the eaſtward, which would, on the other hand, prevent the ſhips of the weſtern and foreign ſquadrons, from getting to the river to be fitted.

Not being able to form a conjecture about the nature of the plan for making the propoſed arſenal by ſubſcription under private management, I can offer no opinion reſpecting it; ſuch a one, however, as holds out the proſpect of the advantages of avoiding the neceſſity of advancing the capital and the riſk of bad workmanſhip, enſuring at the ſame time the ſpeedy completion of it, ſhould not be rejected on account of the novelty, or even the improbability of its ſucceeding, without full deliberation.

I have thus, in the midſt of very preſſing engagements in public buſineſs, ran very haſtily over the

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* See p. 21, 22. of this Tract.

ſeveral

ſeveral points in your Lordſhip's letter, in the hope only of contributing towards ſatisfying the public of the propriety of further enquiry, before we embark in an immenſe expence; ſubmitting to the judgment of others, with great deference, the conſiderations which have occurred to me, as to the expediency, or rather the neceſſity, for the extended work, ſo earneſtly recommended by your Lordſhip.

I have the honour to be, my Lord,
Your moſt obedient, and
very humble ſervant,
GEORGE ROSE.

March 19th,
1810.

Strahan and Preſton,
Printers-Street, London.

THE

ORDERS IN COUNCIL,

&c.

THE

ORDERS IN COUNCIL

AND

THE AMERICAN EMBARGO

BENEFICIAL

TO THE

POLITICAL AND COMMERCIAL INTERESTS

OF

GREAT BRITAIN.

BY LORD SHEFFIELD.

LONDON:

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HIS MAJESTY, PALL-MALL.

1809.

These pages were hastily written, immediately after the Debate, in the House of Lords, on Friday the 17th February; the publication having been delayed, a few passages have been introduced, referring to a later period.

Portland Place, March 10, 180

THE

ORDERS IN COUNCIL, &c.

BOLD assertions, however groundless, will often succeed in making an impression upon the public; and, when such representations are of a complicated nature and perplexed, intentionally or otherwise, it is difficult to perceive, at the moment, how far, and in what manner, they can best be refuted or exposed.

This observation applies to the unfounded clamour which has been raised against the Orders in Council; and, to the various misrepresentations which have been, and are still, made upon the subject of our commercial intercourse and political connection with the States of America. Assertions, though repeatedly refuted, are, with little variation, again brought forward; and, being delivered with great confidence, may impose on those who have not leisure or attention to develope their fallacy, or the means of forming a correct estimate of their merits.

Notwithstanding the able confutation,* (in no instance either superfluous or defective),

* By Earls Bathurst and Liverpool.

which the arguments* of the advocates for American pretensions have already experienced in the House of Lords, during the present Session, these questions continue to be agitated. It may, therefore, be useful, especially as some new circumstances have arisen, to call the attention of the country to a few facts, in illustration of the justice and necessity of an adherence to those principles of maritime and commercial policy, which constitute the basis of our prosperity and power, and, by which alone, we shall be enabled to bear up against those outrageous attacks upon our existence as a nation, which have been instigated and directed by the insatiable ambition, the insidious arts, and the power, of an inveterate enemy.

That men should differ on probable results is not extraordinary; but, that they should persist in endeavours to uphold doctrines, with whatever views they were first embraced, — that they should continue to hazard their credit as statesmen and politicians, after it has been ascertained, by experience and incontestible proof, that those doctrines are erroneous, appears utterly incomprehensible.

Ever since the Orders in Council were first discussed, it has been constantly contended, by the American advocates, both in and out of Parliament, that our manufactures would be ruined, and our commerce destroyed, by their operation; that our revenue would be fatally

* The prevailing taste for diffusive declamation, which is now so frequently displayed in speeches of three hours and upwards, (the whole matter of which might be much better stated in half an hour), renders attendance in parliament, a most severe duty; and essentially interferes with the despatch

reduced; and, that they would prove of no effect as measures of annoyance to the enemy. That those predictions were unfounded, the experience of the last year has fully established; and the object of the following pages is, to render that fact, in plain words, evident to every person who interests himself in the inquiry.

Although the French Government had, previously to the invasion of Prussia and the occupation of Hamburgh, exerted its utmost endeavours to prevent the introduction of British manufactures and of our colonial produce, into France and every other country under its controul or influence, yet they still continued to find their way to the Continent, where the demand for them was considerable, though not to the extent which would have obtained in times of peace. Even the French themselves found it necessary to import, through the medium of neutrals, large quantities of cotton yarn or twist, and of calicoes and cambric-muslins, for the maintenance of their printing works. Hence, the exportation of our printed calicoes and cotton yarn had progressively advanced, from the commencement of the war; but, in consequence of competition in the foreign markets, the export of other cotton articles had somewhat decreased. The Continent furnished several at a lower rate; and, the quantity of East India goods which, with such bad policy, had been suffered to be brought to Europe, by foreign Americans, contributed in a great degree to that decline.

But, subsequently to the invasion of Prussia,

and the consequent occupation of Hamburgh, the exports from this country to the Continent diminished; and our trade through Tonningen and other ports in the North of Germany ceased, a few months afterwards, except, in the article of cotton yarn, which continued to be admitted until the latter end of the year 1807.

The demand from Russia, however, was then much more considerable than it had been for many years preceding; and goods, to a large amount, were smuggled into Holland. Early in the summer, the French had abated their rigour in respect to the execution of their prohibitory decrees; but, our merchants wisely distrusted the relaxation, which was only intended to deceive, and to entice them to make more considerable consignments, which would have been seized and confiscated.* Considerable quantities of hardware, cotton, woollen, and other goods were sent to Sicily, Malta, and even the Italian States. The greater part of the consignments to Malta were re-exported, in neutral vessels, to the ports of Fiume and Trieste, for the supply of Germany, Hungary, &c. and to the Adriatic, the Greek Islands, Turkey and the Levant; where they found a ready market. Towards the autumn of 1807, that Island and Sicily afforded the chief opening to the Continent of Europe for our manufactures and merchandize; and our exports, thither, of cotton and woollen goods exceeded that to any other part of Europe.

* In the year 1807, upwards of one hundred sail of vessels arrived direct from France, laden with brandy, wines, grain and drugs, of various sorts, in considerable quantities; but on the return of those vessels, no British manufactures or other merchandize were sent direct to that country.

The temporary footing which we obtained in South America, also, conduced to the maintenance of our export trade, and afforded a market for large quantities of cotton and other goods; and our commerce with the American States was very considerable during the former part of the year.

Thus, it will appear that, if the demand for British manufactures and merchandize from one part of Europe declined, our exports to other places proportionally increased; and, upon the whole, the amount of our commerce, in the year ending the 5th of January 1808, suffered only a very trifling diminution, whilst the export of British manufactures and produce, was greater than in the year ending the 5th of January 1806; as will be seen by the following comparative statement of imports and exports.

An Account of the *Total Official* Value* of all *Imports* into, and *Exports* from, *Great Britain* for Three Years ending 5th January, 1808.

Years ending 5 Jan.	Imports.	Exports.		Total Exports.
	£	British Manufactures, &c.	Foreign Merchandize.	
1806	30,344,628	25,004,337	9,950,508	34,954,845
1807	28,835,907	27,402,685	9,124,499	36,527,184
1808	28,854,658	25,171,422	9,395,149	34,566,571

* When statements of imports and exports, during war, are to be made, I would rather refer to the official values, because I conceive the extent of a trade, and the quantities of merchandize, are thereby best ascertained for the purposes of comparison; the fluctuating and extraordinary prices of certain articles, in time of war, must affect every estimate of their real value, and would only lead to delusive conclusions.

However, at the close of the year 1807, and before our Orders in Council, of November and December had come into operation, our commerce declined, and our manufactures experienced a heavy, though temporary, depression. The causes which contributed to produce that depression arose out of the recent political events in the North of Europe, and the unfriendly proceedings of the American States, upon the rencontre between the Leopard and Chesapeake frigates.

The disastrous campaign in the North had been terminated by the treaties of Tilsit, in July; the rupture with Denmark took place in August; the Russian declaration of war against England, was issued in October; that of Prussia in December, and about the same time that the French had taken possession of Portugal: so that, before Christmas, Buonaparté had, either actually or virtually, acquired an absolute controul over the whole extent of sea coast from Venice to Archangel, affording him the means of enforcing, as much as possible, the execution of his interdictory decrees against the commerce of this country. The Austrian ports of Fiume and Trieste were shut against us, through the influence of the French government, even prior to the Emperor's declaration of hostilities; and the shores of the Adriatic had become equally hostile to the interests of British Merchants.

At the commencement of the last year, 1808, therefore, our commerce was labouring under greater difficulties than at any former period, during the present war; it being excluded from all the Russian ports in the Baltic, from those of Denmark, Prussia, Portugal, &c. to which

we had had access in the preceding year; and our manufactures, were consequently depressed in an unusual degree. Independent of any other cause, it will be evident that the shackles which Buonaparté had imposed upon our commercial intercourse with the European continent, must have produced a great diminution in the exports of this country, and that, this circumstance would alone account for the seeming great decrease of our trade, upon the face of the accounts lately laid before Parliament.

As to our commerce with the American States, it should be recollected that, in consequence of the war in Europe, they had successively acquired the carrying trade of almost the whole world, and nearly the exclusive supply of the foreign colonies; and that, under this state of things, our nominal exports to those States had doubled, in less than five years. Towards the latter end of July, 1807, our merchants had received intelligence of the rencontre between the Leopard and Chesapeake frigates; and, in the course of the first week in August, they were in possession of the President's proclamation interdicting the entrance of British armed vessels into the American ports and waters. The uncertainty of the result of the negociations, which were then entered into, between the British and American governments, produced a great diminution in our trade with the people of the American States, in the autumn of that year. The very violent proceedings of the Southern States, added to the known partiality of the persons at the head of their government, to France, naturally excited a strong distrust in the minds of our merchants and manufacturers;

the apprehension, of a war between the two countries. with the Non-importation act hanging *in terrorem*, produced a corresponding degree of caution; and accordingly, they suspended the execution of numerous orders, particularly in the cotton, woollen, iron, steel, and silk branches. The spring shipment of these and other articles to the American States was, therefore, very inconsiderable.

Hence it appears that, the great check to our manufactures and trade, was not produced, by the orders in council, which were issued at the latter end of the year, 1807, nor, by the American embargo, which was not known here till the middle of January; it having occurred previously to those measures coming into operation. On the contrary, it must be imputed to the success of the enemy, in occupying or inducing the whole of the European continent, except the small territory of Sweden, to shut their ports against us; and, even if the Orders in Council and the American embargo had never existed, still our manufactures would not have been admitted into the ports under the controul of Buonaparté, in neutral vessels.

It has, however, been gravely asserted that, our commerce has suffered a diminution of fourteen millions sterling, in the last year; and that, this is solely attributable to the operation of the Orders in Council, issued under the administration of his Majesty's present ministers.

It is worth while to shew, upon what foundation this assertion rests, and how little credit it is entitled to.

The conclusions, just mentioned, are drawn from the following account of imports and ex-

ports, which was moved for, and lately laid on the table of the House of Lords.

An ACCOUNT of the Total Official and Real Value of all IMPORTS into, an EXPORTS from Great Britain, for Three Years ending 10th October 1808; distinguishing each Year, and Foreign Merchandize from British Produce and Manufactures.

N. B. This Account does not include the Trade of Scotland, nor the Amount of Importations from the East Indies and China, the Returns of which being made up in Annual Periods ending the 5th of January, are not yet received for the last Year.

OFFICIAL VALUE.				REAL VALUE.		
	EXPORTS.				EXPORTS.	
IMPORTS.	Foreign and Colonial Merchandize.	British Produce and Manufactures.	Years ending 10th October.	IMPORTS.	Foreign and Colonial Merchandize.	British Produce and Manufactures.
£.	£.	£.		£.	£.	£.
22,058,003	8,395,269	24,947,782	1806	38,398,645	9,005,120	39,368,218
23,493,127	9,090,918	24,550,724	1807	00[illegible]4,6[illegible]04	9,679,652	39,041,854
20,707,323	6,680,024	21,925,538	1808	34,448,620	7,138,282	35,233,477

ere are no Official Returns of Real Value of Foreign Goods either imported or exported, but only of such British Produce and Manufactures, as are chargeable with Duty ad valorem: in obedience, however, to the Order of the House of Lords, the Inspector General has calculated these Values according to the best Information which he has been enabled to procure by Inquiries of Merchants in different Branches of Trade.

WILLIAM IRVING,
Inspector General of Imports and Exports.

Custom House, London, 6th February, 1809.

Upon this return, it is argued that, our exports, which in the year ending October 10, 1807, amounted, according to the estimated real value, to £48,721,506, were only £42,371,759,

dimunition of £6,349,747; that, the dimunition of imports, in the same period, amounts to £6,498,680; and that, giving to Ireland, and Scotland, (which are not included in the account,) a proportionate share, the aggregate diminution of our commerce was £14,000,000.

In the first place, it should be observed that the above official paper was called for in a manner which, necessarily, tends to produce a very inconclusive and disadvantageous comparison. During the years ending October 10, 1806, and 1807, our commerce had been little affected, at any time, by the prohibitory decrees and other hostile measures of the Enemy. When our manufactures had been repelled from one part of the continent, a new channel for their vent was immediately opened in another; and the demand for them continued in full activity. But, in the six months succeeding the last mentioned period, the enemy was enabled, by the success of his arms, and by his influence in the councils of Russia, to close every avenue to the continent; and, except some goods introduced through the medium of a smuggling trade, our manufactures and merchandize were entirely excluded therefrom. At first, the continental states did not experience any very essential inconveniences from this deprivation of supplies from Great Britain, the stocks on hand being very great. When these were exhausted, the ingenuity of the merchant suggested new modes of procuring further supplies; the extraordinary profits which were derived from the sales of British merchandize and colonial produce, amply indemnified him for the charges attending their circuitous introduction, and for the risk of confiscation. Im-

mense quantities of goods were sent to Malta, Sicily, and Sweden, from whence they were re-exported to adjacent parts of the continent. About the same period, our commerce with the Brazils, and other Portuguese settlements, became important; and, soon after, the explosion in Spain opened the ports of that country to our shipping, and very considerable consignments of goods were made both to Spain and Portugal. Large quantities of British manufactures and produce were likewise exported to the Spanish colonies. Our commerce with South America produced an extraordinary demand for cotton goods of every description, linens, woollens, &c. &c.; and our manufacturers were, in general, fully employed. An extensive trade had, also, been carried on, under the Barbary flags, in the Adriatic Sea and Archipelago, to the Levant; and, it is well known to every mercantile man, that the export trade of this country was, certainly, much more considerable in the last three months of 1808, than it usually is at that season of the year.

Upon these grounds I am clearly of opinion that, our commerce for the year, ending the 5th of January last, had suffered very little, if any, diminution compared with an average of preceding years. But though the demand for our manufactures were considerably less than it actually was, the decrease could not be considered as the general effect of a state of common warfare, but of the unprecedented events which have occurred within the last two years. And it should be recollected that the abolition of the Slave Trade deprived us, last year, of the African market for our merchandize; and

that the external consumption of our cotton manufactures, as well as those of Sheffield, Birmingham, &c. was consequently reduced nearly to the amount of what that trade had required, when carried on in British shipping—and besides these, the greater part of the prohibited piece goods of India went to Africa, the supply of which, as well as the trade in slaves, had fallen into the hands of foreign Americans. And I cannot refrain from observing that, there is something peculiarly disingenuous in the suggestion that, we have experienced a loss of 14 millions, and that it arises from the Orders in Council and *supposed* consequent Embargo. The loss cannot be made to amount to 14 millions, (as it has been stated in Parliament), by the most exaggerated account, or upon any principle of calculation; and nothing can be more absurd than that of adding import to export, by way of marking our loss of trade; because, it is the difference between import and export, and not the aggregate of both, which constitutes the gross amount of the balance of trade, and which furnishes the only basis, upon which an estimate of the profit or loss to the country can be founded.

It has, however, been stated that, the supposed great defalcation in our general trade, arises principally from the decline in our commerce with the American States; that trade having diminished in the last year to the amount of nearly eight millions estimated real value; that this decrease was partly the effect of the embargo; and that the embargo is solely attributable to the Orders in Council.

The means used to exaggerate the advantages arising to this country from her trade with

ing mischievous concessions, may deceive those who are not practically, or otherwise, well acquainted with the subject. Of this, however, we may be assured, that they never have, and never will, take from us any article which they can procure cheaper or better from other countries. They find it highly advantageous to take our manufactures and produce to enable them to carry on their commerce with other nations; especially on account of the long credit which they obtain here, and which no other country can afford. They have the advantage of drawing immediately for the produce received from them, though they require and are allowed from 12 to 18 months credit from us. Indeed, so pertinaciously are the magnified advantages of the American trade insisted upon, with the view of intimidating us into measures highly injurious to British interests, that they require even further contradiction. It has the characteristics of the worst trade. The apparent balance in our favour becomes nearly a non-entity. A trade with every country is, certainly, desirable; inasmuch as an extensively general commerce with the world secures us from a state of dependance on any one individual nation. But, what advantages do we derive from an exportation, if we are not paid for it? Which, most assuredly, is much more frequently the case, in the course of our trade with the citizens of the American States, than with any other country. Immense sums have been continually lost to our merchants and manufacturers, by the insolvency of their American customers; and the payment of any part of their accounts is, always, very slow and uncertain: otherwise, they would not have it

in their power to hold out, the threat of confiscating an estimated debt due to us of ten million pounds sterling; which is, however, over-rated.

Every thing taken from hence, by American vessels, is put down to the consumption of the American States. But, this matter has been closely investigated; and, there is ground to believe that, not one half of the manufactures and produce, entered at the Custom House as exports to the American States, (and of which we have so frequently had a grand display,) were consumed in those States, but that, they were re-exported, in their ships, to different parts of the world, whither they would have been, and might otherwise be, carried by other neutrals or by ourselves. And, in corroboration of this statement, it is well worthy of notice that, the goods and merchandize which had heretofore been carried to the foreign colonies, by the citizens of the American States, were last year carried, in British bottoms, and, on British account: and that, by this transfer, not only our merchants acquired all the profits arising from the interchange of their commodities with the foreign colonies; but, our shipping-interest was, also, benefitted to the full amount of the profits of the freight accruing from the possession of the carrying trade.* The commerce between Great Britain and the American States had altered, by degrees, from an equality of British and American shipping employed, to a reduction, on our part, to only 8000 tons, in the year previously to the em-

* This is further authenticated by the following statement,

bargo; whilst the quantity of American shipping, employed in that trade, had increased in the inverse ratio of 172,000 tons. But, under

made by Mr. Rose, in the House of Commons, on the 6th of March.

The estimated real value of exports from England to the American States, on an average of the two years ending the 10th of October 1807, was - - - - -	*L.* 11,774,000	
Ditto, the year ending the 10th of October, 1808 - - - - -	5,784,000	
Decrease in 1808. - - - - -		*L.* 5,990,000
Ditto, to all parts of America, *exclusive of the American States* but inclusive of the British and Foreign West Indies, the year ending the 10th of October, 1808. - - - - - - -	12,859,000	
Ditto, Ditto, on an average of the two years ending the 10th of October, 1807. - - - -	8,622,000	
Increase in 1808, - - - -		4,230,000
Leaving a decrease in our trade to all parts of America of - - -		*L.* 1760,000.

But, to set against that decrease, there should be taken into the account, the mercantile profit on the *L.*4,230,000; and also, the profits derived from the British shipping employed with all the beneficial consequences attending it; which, in the way the trade was before carried on to those countries, were entirely engrossed by the Americans.

The estimated real value of British goods exported to the American States, in 1808, was - -	*L.* 5,784,000
Ditto, of British goods consumed in that country, according to accounts from thence, in 1804,	5,158,000

So that, under all the embarrassments of the Non-Importation and Embargo Laws, imposed in the American States, we did, in fact, last year, send goods there to the amount of their consumption.

the operation of the American embargo, there was an increase of 60,000 tons of British shipping employed in the colonial trade, in the last year, 1808.

The American Non-Importation Act was originally passed on April 18, 1806, fifteen months prior to the affair of the Chesapeake, and long before any of our Orders in Council, restraining the commerce of neutrals, were meditated; and it was passed for the obvious purpose of inducing us to abandon our right of search. The operation of this Act, however, was suspended until the 25th November following; and, on the meeting of Congress, in December, (1806), it was further suspended until the 1st July, 1807. The Act was not, therefore, in force more than three weeks, during the whole of that period; and, even in that short space, its execution was not enforced. British ships, as well as their own vessels, were permitted to land at the ports of the States, every article which they had been before allowed to carry to them; and no essential impediments were opposed to their admission, till late in the autumn of 1807, about which time some English goods had been seized at Charlestown, in virtue of the Act. Early in December, 1807, a Supplementary Act was passed, and, on the 22nd of the same month, the Embargo was laid, in consequence of the President's Message of the 18th. From that period, the Non-Importation Laws were put into execution; but, it will be seen, by a reference to those Acts, that, comparatively speaking, very few of those articles of our manufactures, (and especially woollens), which are actually consumed in the American States,

are prohibited; and that, they only forbid the admission of articles that are not essentially necessary to them.*

In respect to the American Embargo Law, it is, in point of fact, only a restraint on the exportation of the produce of their own states; and though inconveniences may have been felt in this country, from a short supply of some articles of American produce, yet, it will be presently shewn that, they cannot be of material importance. The execution of these laws, therefore, has tended, and can merely tend, to circumscribe their own commerce, and to destroy that carrying trade which they probably might have retained as long as the European Belligerents continued their hostilities; and that they do not, by any means, essentially affect the external commerce of Great Britain. Indeed, I am much disposed to believe that, our direct exports to the American States have declined fully as much from their want of credit in this country, (for there was no want of commissions,) arising from their hostile or unfriendly proceedings towards us, as from any other circumstance. And it should be further observed that, there is every reason to expect, (judging from what took place during the American Revolution,) that in the event of hostilities with America, at least one half of the exports from this country, usually consumed in those states, would be introduced into them through the medium of an illicit trade, even supposing all the states to be hostile, which assuredly would not be the case with the New England provinces and Vermont.

* Vide American Non Importation Acts, in the Appendix.

The exaggeration, also, is very great, respecting the mischief supposed to arise to our manufactures from the want of certain raw materials from the American States. If we compare the imports of last year with those of the preceding year, when an extraordinary exportation from America to this country took place, in consequence of the apprehensions of hostilities or of a non-intercourse act, the decrease is very considerable. But, in regard to cotton wool, which amounts, according to the estimated real value, to much more than half of the aggregate imports from the American States, if we look back to the preceding year, 1806, we shall find the quantity of that article imported, to be not much greater than what was imported last year, as will appear from the subjoined account.

Official value of Cotton Wool imported into Great Britain from the United States of America, in the following years, ending the 10th of October, 1808.

	£.
1806 — —	714,452
1807 — —	1,069,638
1808 — —	627,185*

Much stress having been laid upon the injury which our cotton manufacture and trade are supposed to have sustained, under the operation of the American embargo, and it having been stated that, very distressing consequences must continue to result from the decrease in the supplies of cotton wool from the American States,

* Certain accounts having been printed by Order of the House of Commons, since the above was written, I am enabled to lay before my readers, the following statement, in further proof that, the supply of cotton wool was, at no

it may be worth while to enter more at large into this subject.

Since cotton wool became an article of extensive consumption in England, a very great proportion of its product has been exported to the European continent, in the state of yarn, (wherein the manufacture is advanced, on an average, at least one half,) and in manufactured goods; until the different channels were successively stopped by the prohibitory edicts of the enemy. In the mean while, and previously to the American embargo, the stocks of yarns in this country, spun principally with a view to export, became very large, notwithstanding an increased quantity was taken by the manufacturers, encouraged by the extremely low prices

part of the last year, inadequate to the demand from our manufacturers.

The quantity of cotton wool imported into Great Britain.

	From the United States. lbs.	From all other parts. lbs.	TOTAL. lbs.
On an average of four years, ending 5th Jan. 1807, was	— — —	— — —	58,859,415
In the year ending 5th January, 1807,	27,549,393	30,626,890	58,176,283
In the year ending 5th January, 1808,	44,090,079	30,835,227	74,925,306
In the year ending 5th January, 1809	12,228,397	31,239,748	43,468,145
Average of the two years ending 5th January 1809,	28,159,238	31,037,487	59,196,725

The average importation of cotton wool, in the years 1807 and 1808, therefore, exceeded the average importation of the four preceding years; and consequently, the supply was greater, at a period when the consumption was decreasing, than it had been previously to the decline in the demand. The average import from the American States, also, was greater in those two years, than it had been in the year preceding, viz. 1806—the excess being 609,845 lbs. equal to

at which yarns were procured. Manufactured goods were hereby daily accumulating, beyond any existing or looked for demand.

At the commencement of the year 1808, the stock of cotton wool in Great Britain, imported at very low prices, was equal to about six months of the then computed consumption, namely, 260,000 bags annually. The importations from the American States and elsewhere, in the early months of the year, were not deficient of the quantity demanded for consumption, and prices had advanced only 20 to 30 per cent.: but, in the middle of the year, it becoming evident that, the supplies were materially diminishing, extensive speculations ensued, and prices advanced from 50 to 80 per cent. generally; and 70 to 90, and progressively to 130 per cent. on American cottons.*

Cotton wool imported into Great Britain.

	From the United States.	TOTAL, exclusive of Asia.
	lbs.	lbs.
Quarter ending 5th April, 1806	6,896,244	13,546,628
——— 5th April, 1807	9,277,484	16,066,258
——— 5th April, 1808	9,004,849	13,664,176
5th July, 1806	7,644,844	12,097,499
5th July, 1807	10,827,705	16,695,510
5th July, 1808	2,537,942	7,698,812

London Prices Current of Bowed Georgia Cotton Wool.

	s. d.		s. d.	
Jan. 7, 1807—	4	a 1	5	Nearly the fair average prices since the commencement of the war.
July	3	a 1	7½	
Nov. ———	1 0½	a 1	4	The market overstocked.
Jan. 1808		a 1	4	
April ———	2	a 1	6½	Prices increased by extensive speculations.
June ———	6	a 1	9½	

As yarns and goods did not, however, advance in any adequate proportion, and the spring shipment had passed without any relief to those branches of the trade from foreign exports, the spinners began, gradually and generally, to reduce their consumption; so that in October to December last, it did not, probably, exceed the rate of 104,000 bags annually. This quantity was found to be fully adequate to the demand from the manufacture, which had called in to its aid, all the surplus stock of yarns abovementioned.

The manufacture, in the interim, had diminished but little, not having relied so much upon export to the continent of Europe, and having experienced great relief by exports to the Brazils, and to our own West India Islands for re-exportation to Spanish America; in addition to our own internal consumption, that of our colonies, and at least two thirds of our usual exportation to the American States. It is therefore certain that, during the last year, the cotton trade, generally, did not experience any inconvenience from the American embargo; but, on the contrary, it should be considered as having been benefitted by an accumulating inactive stock being called into active demand.

In looking to the probable state of this branch of our commerce for the present year, under the supposition that the American embargo will remain in force, two points must be considered; 1st, the probable demand for yarns and manufactured goods; and, 2d, the supply of the raw material. Assuming that there is little probability of any essential change in our favour, on the European continent, we must take for granted that the present system of commercial

regulations will be continued by the Belligerents, and that, therefore, a very large quantity of yarn will not be produced for export. During the whole of last year, some trade in cotton yarns and goods was carried on with Fiume and Trieste; and some shipments were made to Heligoland and Sweden, from whence they were successfully smuggled into the North of Germany. That this smuggling trade was not carried on to a much greater extent is attributable, in a great measure, to the circumstance of the stocks of the raw material and of yarns, on the continent, not being so much exhausted as they must since have become, by the continued operation of the American embargo and of our Orders in Council. And, unless the continent can raise a further supply of cotton within itself, (Turkey being now, the only source from whence it draws any quantity), or dispense with the use of cotton goods, to a certain degree, by the substitution of linens and woollens, it may be concluded that, under the continuance of the two measures, larger supplies of yarns and goods must be drawn from this country, in the present year: especially, if our government rigidly enforce the very politic prohibition of the export of the raw material. It certainly does not appear likely that, our manufacturers will want a market, even though they should be, in a great measure, deprived of that of the American States. And it may well be doubted whether, the whole quantity usually taken by those States for their own consumption, and for trade to Spanish America, will not still be drawn from this country, in some shape or other. It is also proper to notice the encouragement afforded, by the present state of things, to our

East India piece goods, which have for several years been accumulating in England, without any material vent, except to the African market, and selling at prices far below the import cost. These have been lately demanded both from the north of Europe, and the Mediterranean, and have experienced an advance of 15 to 20, and 30 per cent. within the last six months.

To supply the demand for cotton wool, we commenced the present year with a stock of about 80,000 bags, being about nine months consumption at the lowest diminished rate, viz. 104,000 bags, annually; but this rate being likely to increase from the want of the redundant stock of yarns in England before mentioned, our stock of cotton wool should be estimated as a supply for only six months. We are now receiving, and are likely to receive, from the Brazils, the East Indies, the Mediterranean, and our West India colonies, supplies fully adequate to our wants; and, most probably, the supplies which we shall obtain, in the autumn and afterwards, will render us entirely independent of the American States, for this article, even although any opening to the continent should renew the former demand for yarns. Within the last fortnight, (February 24th) 16 vessels have arrived from the American States, in breach of the embargo, bringing upwards of 6,000 bags of cotton. These vessels sailed before the additional restrictions, founded upon the rigorous principles recommended by Mr. Gallatin in his letter to the embargo committee, and adopted by Congress, had been completely carried into execution; and, perhaps, we may have some further arrivals in the same way. It does not, however, seem probable that, when the new embargo regulations

are strictly enforced, they can be frequently, if at all, evaded by vessels sailing direct from the American ports: but there is a well founded expectation that large quantities of cotton will find their way here, from Halifax, the Floridas, and the Bahamas; one or two cargoes have already arrived from each of those places. Prices are, in consequence of this state of the trade, now falling.

The supply of printing and dying materials has varied a good deal; but, on the average, it has been adequate to our wants, throughout the last year. The commercial decree of Holland, issued in the autumn, permitting Dutch vessels to pursue their coasting trade, and to export their own produce, though in force only a very short time, was the means of bringing a seasonable supply of drugs, and particularly a a very large quantity of fine madder, which was much wanted; and it had the effect of reducing considerably the high price to which that article had risen, the stock being nearly exhausted. On the whole, this branch of the cotton trade did not sustain any material inconvenience.

Whether or not the urgent wants of the Northern European States will induce them to adopt any other expedient, than an exercise of their ingenuity in smuggling, may be matter of doubt. By the prohibitory edicts of the enemy they have been deprived of an extensive vent for their linens, which article may possibly contribute to lessen materially the demand for cottons, as it can be afforded at an exceedingly low rate. The supplies of cotton wool from Turkey may probably be increased, or some may even be produced in other parts of Europe, so as to diminish the pressure which might

otherwise be felt. From present appearances, however, it would seem that, means will be found to obtain supplies from this country; and that, whatever expedients may be recommended by the French Government to obviate the heavy inconveniences which are now felt on the Continent, under the deprivation of our yarns and goods, they will not be very generally adopted.

Under these circumstances, it will appear, how truly imaginary are those apprehensions of the destruction of our cotton trade and manufacture, which, it is said, must inevitably result from the continuance of the American embargo, and a perseverance in our present system of commercial policy. That there was a reduction in our consumption of cotton wool, in the latter part of last year, is admitted. But, the radical causes of that reduction lie widely remote from our Orders in Council or the American Embargo; though, the latter measure was certainly the immediate cause. It however only acted the part of a salutary medicine upon a previously diseased body. It has been already shewn that, the accumulation of yarns and of manufactured goods, at the close of the year 1807, was much beyond any existing or looked for demand. At that time, cotton wool was at an extremely low price, only about 12*d.* per pound, for the article most in use; yet such was the glut in the market produced by our exclusion from the Continent, that neither yarns nor goods could be sold with any advantage to the spinner or the manufacturer. A depression would probably have been felt much sooner had not the manufacturers continued their works, even when there remained

no orders to execute. The free and unshackled state of the manufacture tended to keep the work-people employed, as the reduction of wages tempted persons of capital to continue the manufacture, at a period when they had no immediate prospect of a demand for their goods.

A continuance of this state of things could only issue in distress to the whole trade; and therefore, the American Embargo, by giving a salutary check thereto, has been productive of essential benefit. In no view of the question can our Orders in Council be supposed to have contributed to the diminution of our consumption. On the contrary, we may be assured that, those Orders have produced a pressure on the European Continent which would never otherwise have been felt; and that, unless restrained by them, the Americans would have been supplying that Continent with raw materials, which would soon have enabled the latter to return to the former their value in manufactures, in competition with, or in opposition to, our own. It is therefore certain that, the Orders in Council and the American Embargo, by uniting in depriving the Continental countries of their usual supplies of the raw material, give to our yarns and goods an additional value, and that they will tend, more and more, to frustrate the objects of that system of exclusion which has been adopted by the enemy.

As to other articles of importation from the American States, the high prices which they now bear, result chiefly from the suspension of our commerce with Russia, whence those products were principally drawn. The supplies of pot and pearl ashes, of pitch and tar, of turpen-

tine, of seeds, flax and linseed, of tobacco, and other articles which we received from the States of America, in the two last years, are not much below an average importation, according to the accounts of imports from the United States ending the 10th of October 1808, lately called for in the House of Lords.—Much stress is laid on the probable want of flaxseed, for the linen manufacture of Ireland; and it is insinuated that, this essential manufacture has suffered and will suffer extremely in consequence of it. At present it flourishes as well as it ever has done, and very lately Irish linens have risen from 40 to 50 per cent. which is partly to be attributed to the advantage given to them by the check to the export of that article from the North of Europe, and partly to the apprehension of a scarcity of flax, in the ensuing year. The extraordinary circumstance of the ports of almost all Europe and of the United States being, at least nominally, closed against exportation to the United Kingdom, undoubtedly occasions some difficulty on this point. The quantity of seed, however, in this country, is more considerable than was imagined. Speculation has raised the price, and a high price will bring supplies in opposition to all restrictions. Scarcely a day passes that one or more American ships do not enter, in breach of the embargo, with various goods of their produce. But the scarcity of this article will ultimately prove a great advantage, if it should lead us to raise among ourselves the whole quantity of flax and flaxseed wanted, which undoubtedly is very practicable.—In regard to timber, masts, and staves, very considerable quantities have been received from our remaining colonies in North

America. The duty on timber, fit for naval purposes, imported from those colonies, was wisely repealed by an Act of 46 Geo. III. the beneficial effect of which is experienced in the large additional supply; and it will tend to render us independent of foreign America, and almost, if not quite, even of the Baltic, for the supply of those articles.

The prognosticated decay of revenue has not answered the expectation of the American advocates better than their other predictions. The details will soon be laid before the public; therefore, at present it will be sufficient to observe that, in the year ending the 5th of Jan. 1809, the deficiency in the customs was about £400,000 but that the amount of the permanent, annual, and war taxes, that is, the aggregate revenue, collected in 1808, exceeded that of the preceeding year, £2,700,000.

We come now to a consideration of the alarming difficulties and embarrassments which, it is alleged, our West India Islands have to encounter, in consequence of the suspension of intercourse with the American States.—Notwithstanding the nature of our commercial intercourse and political connection with those States has, during the last 25 years, been frequently discussed and investigated, the same wild and unfounded doctrines which were originally advanced on that subject, are still maintained with a degree of perverse and disingenuous obstinacy, which renders it necessary to recall the attention of the public, once more, to the only genuine principles of policy, upon which this country ought to act, and to govern her conduct, in her relations with the States of America.

The main points of the question alluded to, having been several times debated in Parliament, a power was given to the Crown, to regulate the intercourse between the West India Islands and the United States, by proclamation. An enquiry was instituted, and diligently pursued for a considerable time. Many eminent merchants and others, the best informed, were examined, and a most able report was made, in 1784, by the late Lord Liverpool, President of the Committee of Council, appointed for the consideration of matters relating to trade and foreign plantations, which appeared to those conversant with the subject, completely conclusive as to the leading points. In consequence of certain acts passed by the Congress of the American States, in the year 1789, the Committee of Council was directed to examine those acts, and to enquire into their probable effects: a full examination took place, and a second very able and satisfactory report was made, in 1791, by the late Lord Liverpool.

Another discussion of the material points, respecting the intercourse between our colonies and the American States, took place in 1806, when the late Ministers assumed the power of dispensing with some of the most essential laws of our country, never before entrusted to the executive branch of our government; and again, in 1807, the same subject, intermixed with other considerations, was several times debated in parliament.

The result of all these inquiries and discussions has uniformly been, that the complaints of the West India planters, on the restrictions contained in our Navigation and Colonial system are utterly unfounded; that Great Britain

and Ireland and the remaining British Colonies in North America, are fully adequate, at all times, to the supply of all the necessary articles for the West India Colonies, in British ships; and that, the ship-owners of the United Kingdom, instead of rejecting the Navigation between the American Continent and those colonies, on account of the expence of the circuitous voyage, have every inducement of profit, if the navigation laws are inviolably maintained, to enter fully and effectually into that trade.

The wisdom and essential utility of our Navigation and Colonial system have been since admitted by the West India colonists themselves; for, in the resolutions passed by the House of Assembly, in Jamaica, on the 29th of October 1807, relative to the distressed state of the Colony, the following are stated to be among the principal causes which had produced the extreme depreciation of their principal staple, sugar; viz. "The departure from what "has been usually called the rule of the war of "1756, but which, in fact, was established be- "fore that period, and decided that '*a neutral* "'*has no right to deliver a belligerent from the* "'*pressure of his enemies' hostilities by trading* "'*with his colonies in time of war, in any man-* "'*ner which was prohibited in time of peace.*'— "The peculiar relaxations of this rule, by the "orders issued to the prize courts, in the year "1794 and 1798, respectively, which, with "very trifling modifications, continue to regu- "late the decrees of those important tribunals. "—The geographical position of the ports of "the United States of North America, the neu- "tral power chiefly engaged in carrying the "produce of the enemy's West India colonies,

" which renders the few restrictions yet re-
" tained by the last mentioned orders to be
" hardly an inconvenience, as they are got over
" by systematic fraud and perjury.—The easy
" expense and security, with which, by means
" of this fraudulent system of neutrality, the
" sugars of the enemy's colonies are transported
" to the European markets, it having been pro-
" ved that, for freight and insurance alone, the
" British planter pays for every hundred weight
" of sugar, conveyed through the parent State
" to the ports of Holland, or the North of Eu-
" rope, 8*s.* 1½*d.* sterling, and to the Mediterra-
" nean 12*s.* 6*d.* more than attaches on the goods
" of the French or Spanish cultivator, carried
" in neutral bottoms to the same markets.—
" The restrictions of importation into the con-
" tinental ports, from the power and influence
" of the French domination, whilst the temp-
" tation to resist and evade it, is taken away by
" the abundant supply, brought under the neu-
" tral flag.—The agriculture of the belligerent
" colonies, has been encouraged by a monopoly
" of the demand from the United States of
" America, and by having their produce trans-
" ported under the safe and cheap protection
" of the neutral flag, to every market where it
" was in request."—And we shall discover in some later legislative proceedings of the same House of Assembly, a practical proof of their admission that, they are, by no means, dependent on the American States for a supply of provisions and lumber, and that it is not expedient, nor necessary, that the intercourse should be carried on, even in time of war, in foreign bottoms, to the certain consequent exclusion of British shipping. An Act, imposing a tax upon the importation of the produce of the American

States, into the Island of Jamaica, and laying a duty of a dollar per ton upon every vessel belonging to that country, which should hereafter enter their harbours, was actually passed by the House of Assembly, in the last sessions. Unfortunately, the disputes which arose, respecting the mutiny in the 2d West India regiment, between the Governor of the Island and the Assembly, obliged the former to prorogue the sessions, before the act had received that sanction which the formalities of the laws require, and its execution was therefore necessarily suspended.

This lastmentioned Act never would have been entertained by the representatives of the Island, if they had not been thoroughly convinced that, they were not dependent on the American States for supplies of those articles in their shipping. In fact, the West India Islands have never been better supplied than they were during the last year, under the operation of the American embargo. The prices current evince that, little or no inconvenience was experienced by them, in consequence of that measure; and it has had the beneficial effect of accustoming the inhabitants to entertain just views of the subject of their intercourse with the States, and to disregard idle fears of retaliation. The Island of Jamaica has been so well supplied with flour through our remaining colonies that, of one thousand barrels shipped to that Island from hence, about six months ago, instead of 20,000 which were ordered under the expectation of a deficient supply from America, less than one half had been, with difficulty, sold in December last, under prime cost. Flour has even been cheaper at Kingston than at Philadelphia.

If the people of America should be so simple

or infatuated as to submit much longer to the embargo, which is principally ruinous and hurtful to themselves, we may be assured that, their produce will still find its way to us and our Colonies: for, though that measure may prevent the direct supply of the West Indies from the American States; yet, it cannot, and will not, prevent the supply of flour, and other provisions in small coasting vessels, through the British North American Colonies. Flour, pork, beef, butter and cheese are now smuggled into these provinces, in vessels, from 14 tons and upwards. The number of Islands in the Bay of Fundy; the numerous ports in those waters, only a very few hours sail distant from each other, the incalculable means of meeting on Nantucket shoals, and at the uninhabited islands in Penobscot Bay (where they shift their cargoes), and the short navigation, over Lake Champlain, between Canada and Vermont, render the prevention of the illicit trade, by armed vessels, or by any other means which the American Government can put in action, absolutely impossible. Not a vessel, of any description, leaves an American port, that does not contrive to carry away some flour. The New England States are so hostile to the embargo that, it is scarcely regarded; and their repugnance to it has lately been more fully evinced, by open acts of violation of the law, amounting to little short of rebellion. The people have forcibly taken possession of the forts at Portland and Cape Anne, and forbidden the armed vessels, sent to enforce the embargo, to interrupt any ships sailing to the West Indies or elswhere, with their produce. The courts of justice, in those parts, have discharged all persons bound in re-

cognizances for the breach of the embargo laws; and since it was found that congress would not take off the embargo, numbers of vessels have gone to the West Indies laden with provisions. It is known, from the best authority, that 44,000 barrels of flour from Halifax, and 36,000 from St. Andrew, New Brunswick, were sent to the West Indies during the latter part of last year.

In the event of a Non-intercourse law being carried into execution, the public entry of articles may be checked, but the contraband trade cannot be suppressed. British manufactures and merchandize will be smuggled into the States, on the return of the vessels which carry flour, &c. to our provinces; and the greater part of their produce will be exported in that manner. At least two-thirds of the flour supplied to the West Indies, since the embargo was laid on, went from the American States through our Northern Colonies.

But, there is no doubt that, the British Colonies on the continent of America, in conjunction with Prince Edward's Island, and Newfoundland, will be able to supply our dependencies, with provisions of all kinds, and lumber, to the full extent of the demand, if foreign shipping be permanently excluded from our colonies, as the navigation laws require.

Our fisheries have been suffered to languish, in an extreme degree; the settlers on the coasts scarcely acquired a subsistence; they were without capital, and obliged to depend on precarious markets, and on the unstable demands of American adventurers. But, monied people are now vesting their capitals in this important

which they have infused into it, and the exertions which they are making, the supply will very shortly become much more than equal to the demand of the West India Islands. Neutral vessels should be prevented from carrying fish to any of our West India settlements; at present, they are only allowed to take them to those islands where the bounty is given; but, the British North American Colonies oppose the continuance of this permission, and urge that the supply of fish should be confined to British shipping. Previously to the year 1792, our fisheries supplied them with all the dry and pickled fish they consumed.

That our remaining colonies would very soon be competent to an efficient supply of lumber, in general, if the West India market be exclusively secured to them, is amply proved by the quantities which they furnished last year. The war which arose out of the French revolution, and the subsequent suspensions of our Navigation Laws, essentially checked the growing prosperity of the several provinces, and threw the supply into the hands of foreign Americans, to the immediate injury of our colonial navigation. The colonists were constrained to dispose of the products of their fisheries and forests, on the most disadvantageous terms, to the people of the American States, who re-exported, or rather shipped, them to the West Indies; so that, in fact, the greater part of the supplies which were imported into those settlements, in foreign shipping, was the growth and produce of British North American Colonies. The extensive forests of Cape Breton lying immediately contiguous to the sea coast and to the banks of

haustible forests of Canada, Nova Scotia, and New Brunswick; the facilities of water carriage for transportation; and the improved and powerful machinery, which has been established, for the purpose of preparing their timber, boards, staves, &c.; all these circumstances united, render those provinces peculiarly competent to supply the greatest quantities of lumber that can be required: And by a reference to the returns of their trade, for the first three quarters of last year, it will be seen what a very considerable augmentation it had experienced, under the operation of the embargo, in the short space of nine months only.

Beef, pork and butter, the American States have never supplied in an equal degree with the United Kingdom and its dependencies. Rice, is not an article of great consumption in the West Indies, and it is evident that, there can be no difficulty in procuring it elsewhere. As to corn and flour, the Colonies have so long laboured under a system of depression, that Canada, and Nova Scotia, from whence very large supplies were formerly received, have lately grown much less than they did, even when they were in the possession of the French; but, if due encouragement should continue to be held out to them, there is every prospect of the supply being considerably increased; the capacity of those provinces is indubitable. It should also be remarked that, the West India settlements will not require, in future, such large quantities of provisions and grain as they have hitherto been obliged to import. The embargo, in this instance, also, instead of causing the effects it was intended and expected to produce, has turned the attention of the planters to a more

prudent cultivation of their lands, and to other resources which the colonies afford. Extensive tracts of ground are now appropriated to the growth of provisions; and therefore, they will be able to dispense with much of the grain which has hitherto been drawn from foreign countries.

Another very important advantage has resulted from the American embargo to the British nation. It has produced the recovery of our seamen; who, to avoid the impress, and for the sake of other advantages, quitted our service to enter on board American ships; but the embargo having thrown them out of employ, many have returned to us, at least 2000: one hundred and nine entered on board the Squirrel schooner and two other small vessels of war, within a short time since, at Passamaquoddy alone.

All the latest letters from the British North American provinces express the highest satisfaction on their flourishing state; they flatter themselves that, his Majesty's present ministers will not make any mischievous and unnecessary concessions to the encroaching and presumptuous requisitions of the government of the American States.*

* To prove all the preceding statements, the most respectable evidence can be brought before Parliament; and the most satisfactory accounts can be produced, to shew the ability of our Northern Colonies and the United Kingdom, to supply the wants of our West India settlements.

It was not agreeable to the late Ministers, when they brought forward the Bill for giving to themselves a power to suspend the Navigation Laws, in respect to the admission of American shipping into the British West Indies, to hear any evidence against their measure, notwithstanding there were many petitions from the most respectable bodies of men, praying to be heard. Judging from the candour and impartiality of thi

Thus, then, it is no longer matter of opinion but of proof, that the American embargo is, comparatively, of little or no disadvantage to our West India Colonies, to our manufactures, or to our commerce in general; and that, in respect to the British empire at large it is highly advantageous: and, above all, those who are susceptible of conviction must now be satisfied that, it is not Great Britain which is dependent on the American States, but they on Great Britain. The embargo has most effectually re-established our carrying trade, and it has, more especially, forwarded the re-establishment of our navigation and colonial system. No event which has occurred, gratifies me more than the experiment which has been made of it It settles completely, the question, whether the British West Indies can be supplied without a direct trade with the American States; and we now know, from the best experience, that it is not necessary to sacrifice, for that purpose, our navigation and colonial system, the origin and main pillar of our political power and greatness.

In regard to the expediency of the Orders in Council, instead of impeaching the policy of those measures on the ground of the restrictions which they impose on neutral trade, I am disposed to attach blame to his Majesty's government, for not having availed themselves of the

Majesty's present Ministers, during the last sessions of Parliament, when a public inquiry at the bar of the House of Commons was instituted, for the purpose of acquiring information respecting the operation of the Orders in Council, upon the Petitions of Persons very unfriendly to those measures, it is not likely that, if a similar occasion should arise, the present Administration will refuse to attend to the Petitions of the merchants and others concerned.

right which has been given them, to retaliate the whole system of blockade and exclusion which has been adopted and acted upon by France: and I cannot better express the opinions I have always entertained on the subject than in the words of Mr. Canning, in his just and perspicuous exposition of those measures, in his letter to Mr. Pinckney, of the date of 22d February, 1808; "The principle upon which the "whole of this measure has been framed, is "that of refusing to the enemy those advantages "of commerce, which he has forbidden to this "country; and the simple method of enforcing "this system of retaliation, would have been "to follow the example of the enemy, by "prohibiting altogether all commercial inter-"course between him and other states." Indulgencies granted to neutral trade, by suffering a commercial intercourse with the enemy, under any code of regulations whatever, essentially weaken the efficacy and operation of the retaliative measures; and have prevented that extreme pressure which would otherwise be felt on the Continent, and which might give rise to the most important political results, in our favour. Mr. Erskine also, in his letter of the 23 Feb. 1808, to Mr. Maddison, justly observes that, "the principle upon which his Majesty finds "himself compelled to proceed, would justify a "complete and unqualified retaliation, on his "part, of the system announced and acted upon "by France, in respect to his Majesty's domi-"nions; and his Majesty might, therefore, have "declared in a state of rigorous and unmitigated "blockade, all the coasts and colonies of France "and her allies. Such a measure, the maritime "power of Great Britain would have enabled his

"Majesty to enforce: nor would those nations
"which have acquiesced without effectual re-
"monstrance in the French decree of blockade,
"have derived any right from the more per-
"fect execution of a corresponding determina-
"tion on the part of his Majesty, to complain
"of his Majesty's enforcing that measure
"which the enemy has executed imperfectly
"only from want of the means of execution."
"—"You will observe, also, that the trans-
"portation of the Colonial produce of the
"enemy from the United States to Europe, in-
"stead of being altogether prohibited, (which
"would have been the natural retaliation for the
"rigorous and universal prohibition of British
"produce and manufactures by France,) is freely
"permitted to the ports of Great Britain, with
"the power of subsequently re-exporting it to
"any part of Europe, under certain regulations."
—"Another most important relaxation of the
"principles upon which His Majesty's Orders
"proceed, is that which licenses the importation
"of all flour and meal, and all grain, tobacco,
"and other articles, the produce of the soil of
"America, with the exception of cotton, through
"the ports of His Majesty's dominions, into
"those of his enemies, without the payment
"of any duty on the transit. This is, I beg
"leave to observe, an instance in which His
"Majesty has deprived his measure of its most
"efficacious and hurtful operation against the
"enemy, through motives of consideration for
"the interests of America."

Nothing, therefore, appears to me more clear than that, it is unnecessary and impolitic, as well as disgraceful, at the present moment, to retract our Orders in Council, which were issued for

the purpose of counteracting Buonaparté's decrees against the commerce of this country. The American measure of Embargo, was undoubtedly adopted and framed previously to any knowledge, in that country, of the Orders in Council.

It is known that, the persons who have the best information concerning the actual relations between France and America, declare that the embargo is despised in France, and almost forgotten in England; and have recommended a Non-Intercourse with France and conciliation with Great Britain, and to arm against the French cruizers: at the same time it has been recommended from another quarter, high in the confidence of the American government, to continue the embargo, on the ground that, if *proper measures* are taken, an accommodation may be effected with England, there being a party in this country, disposed to be on friendly terms with the American States.

Superior talents, exerted with energy and judgment, will naturally excite invidious observation, particularly in those who have not been as successful in their measures;—in this light, I consider the petty objections to the letters of Mr. Canning, whose official papers are generally considered to be as able and as masterly productions as any to be found in the archives of his office. The letters of the American Secretary of State and Plenipotentiaries, if addressed to individuals on private concerns, would be deemed very offensive; and on any occasion, deserve a severe replication: but, I can observe nothing of that kind in the letters of Mr. Canning, to the style of which, overstrained and captious objections have been

made. At all events, we owe to his firmness, and to that of the present Administration collectively, a great improvement in the situation of this country in respect to the American States; and to them we shall be indebted for the re-establishment of our excellent Navigation and Colonial system, and for the flourishing state of our colonies.

The same pretended anxiety for conciliation, and the same mischievous measures, through which the American Colonies were lost, (if they can be deemed a loss,) are again urged and brought forward, and with the same view,—to distress the government of the country. Those factious measures, if they were not the sole cause of the separation of the Colonies from this country, at least produced a peace which no success on the part of the enemy could justify. But, it is to be hoped that the country will not again be imposed upon, and we have reason to expect that the present Ministers are not likely to be intimidated by such means.

In respect to the question, whether the conduct of the American States has been, or is, such as to entitle them to a more peculiar modification of our Orders in Council, (which would, in its ultimate consequences, amount to a total relinquishment of our right to retaliate the Enemy's unjust decrees,) none of the assertions of the advocates for the American requisitions have surprized me more than, that their government is disposed to be friendly to us. The elaborate attempts to prove from the Official Letters of the American Ministers, (and which, they must have been assured, would be published,) their real views respecting France, scarcely deserve notice. I have too good an opinion of Mr.

Maddison and of Mr. Pinckney to suppose that, they would, under existing circumstances, so far commit themselves as to declare, in their public correspondence, the secret disposition and ultimate views of their employers.

The strongest facts and circumstances, however, prove their partiality to France; and they scarcely attempt to conceal it. Their ports are shut, in the most rigid manner, to our ships of war; not a man is permitted to go ashore, except with despatches, nor is a cask of water allowed them: while vessels of the same description, belonging to Buonaparté, are permitted to repair, and victual, in their ports. They allowed five French privateers to equip and victual, at the Chesapeake and Savannah, not long since.

Great Britain has too long submitted to the aggressions of the people of the American States, whereby the honour and the dignity of this country have been disgracefully compromised, and its subjects injured. The terms of Treaties have been evaded, as well as the payment of debts. The encroachments in the Bay of Fundy have long and loudly called for redress. The violent aggression on British subjects, peaceably navigating within their own proper limits, on Lake Ontario, (as fully stated in a memorial from the merchants of Montreal to the Governor of Quebec,) requires ample satisfaction. Our forbearance and concessions, instead of conciliating, have only produced further invasions and claims, and the assumption of a dictatorial tone, not tolerated in any other power; and to which they are encouraged, by a kind of jargon, which ignorantly prevailed, that the commerce and manu-

factures of the United Kingdom are entirely dependent on the good-will of the American States,

It is impossible to say, how far self-importance, and irritation, in consequence of their not having succeeded in their projects of intimidating us into concessions, by insulting Non-intercourse measures, may carry the government of the American States: but, even if they should be so infatuated as to prefer war with us, and the total ruin of their trade, to a friendly intercourse, it cannot be considered as a wild prediction that, the people of that country will, for a very short time only, tolerate such extravagant and ruinous conduct on the part of their government. What would become of their exports, amounting to 48 millions of dollars annually? What would become of their revenue, arising almost entirely from their imports, which would, in a great degree, become clandestine? Instead of being the principal carriers, as they have lately been, to the greater part of the world, they would scarcely have a commercial vessel on the ocean. Perhaps, at first, they might send some privateers to the West Indies; but, would they have a commercial ship in the West Indies, or in the East Indies, or in the Mediterranean? They are not now what they were, at the close of the American war; at that time, they were warlike; at present, they are merely commercial, and their dependence is solely on commerce; and they would assuredly very soon find, as many of them already perceive, that they cannot essentially injure this country.

Whenever the government of the American States shall recover from its frenzy, they will

discover that, by being placed on the footing of the most favoured nation, they obtain every thing that they can reasonably expect from this country; and I hope we shall have discovered that, no Treaty is necessary, that it can communicate no advantage to the British Empire, and cannot be desirable to the United States, except with the view of gaining some undue concessions, and unjust advantages over British subjects.—These are the opinions I offered to the attention of the public, twenty-five years ago, and every thing that has since happened proves that they were well founded.

APPENDIX.

An Act to Prohibit the Importation of certain Goods, Wares, and Merchandize.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the fifteenth day of November next, it shall not be lawful to import into the United States, or the territories thereof, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, any goods, wares, or merchandize, of the following description, that is to say:

All articles of which Leather is the material of chief value:

All articles of which Silk is the material of chief value:

All articles of which Hemp or Flax is the material of chief value:

All articles of which Tin or Brass is the material of chief value, tin in sheets excepted:

Woollen Cloths whose invoice prices shall exceed five shillings sterling per square yard:

Woollen Hosiery of all kinds:

Window Glass, and all other manufactures of glass:

Silver and plated Wares:

Paper of every description:

Nails and Spikes:

Hats:

Clothing ready made:

Millinery of all kinds:

Playing Cards:

Beer, Ale, and Porter: and

Pictures and Prints:

Nor shall it be lawful to import into the United

States, or the territories thereof, from any foreign port or place whatever, any of the above mentioned goods, wares, or merchandize, being of the growth, produce or manufacture of Great Britain or Ireland, or any of the colonies or dependencies of Great Britain: *Provided however*, that no articles which shall within fifteen months after the passing of this act, be imported from any place beyond the Cape of Good Hope, on board any vessel cleared out before the passing of this act, from any port within the United States, or the territories thereof, for the said Cape of Good Hope, or any place beyond the same, shall be subject to the prohibition aforesaid.

SECT. 2. *And be it further enacted*, That whenever any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft, or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited, and the owner thereof shall moreover forfeit and pay treble the value of such articles.

SECT. 3. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat, raft or carriage, shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

SECT. 4. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board any ship or vessel, boat, raft or carriage, arriving after the said fifteenth day of November next, in the United States, or the territories thereof, shall be omitted in th

Reform in Parliament.

AN

ADDRESS

TO THE

PEOPLE OF ENGLAND,

ON THE SUBJECT OF

REFORM IN PARLIAMENT,

TO WHICH ARE ANNEXED, COMPLETE COPIES OF THE

MAGNA CHARTA,

AND THE

BILL OF RIGHTS

With Explanatory Notes.

BY A TRUE FRIEND TO THE CONSTITUTION, AND
NOTHING BUT THE CONSTITUTION.

" England expects every man to do his duty."

NELSON.

LONDON:

PRINTED FOR J. BLACKLOCK, 92, ROYAL EXCHANGE;
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4, Cloth Fair, Smithfield.

TO THE

ENGLISH NATION.

ENGLISHMEN,

THE Charters following this Address, called MAGNA CHARTA and the BILL OF RIGHTS, formed the Constitution of the country of your forefathers: they ought to have formed the Constitution of your country; but the canker-worm of Corruption has introduced his foul fangs into its fine form, and some of its nobler parts have thereby been mutilated, almost to subversion.

Previously, however, to any discussion on the mutilations committed on these memorable grants, I will attempt to shew from whence the grants themselves originated.

MAGNA

MAGNA CHARTA is looked up to by the people of England as the foundation stone of the English Constitution and of English liberty. King John had no sooner signed this deed, than he found that it set bounds to his power, and which to bear he conceived to be an intolerable disgrace; and all the precautions taken by the Barons, to secure the observance of its articles, seemed barely sufficient to counterbalance the unsettled disposition of the king, surrounded by a circle of unprincipled men, mostly French. They represented to him the injury he had done to himself, in suffering his Barons to deprive him of so much of his regal power. John felt the force of their arguments, and determined, if possible, to free himself from the subjection of the Barons. He wished for revenge, but had neither men nor money to support him in the execution of his ambitious views. At length, when almost driven into a state of despair, by the never-ceasing reproaches of his courtiers, he sent the Bishop of Worcester, the Bishop of Norwich, and others, into France, Germany, Italy, and Flanders, with offers to such as would enter into his service, of the estates of the rebellious Barons—so he termed those friends to patriotism and liberty.

John

John, in the mean time that his agents were busy in raising troops, addressed a letter to the Pope, acquainting him with his situation, and at the same time sent him a copy of the Great Charter, with an intreaty to be absolved from the oath he had taken to observe it. He succeeded at the court of Rome: Pope Innocent III. who felt himself much hurt by his vassal's humiliating situation, swore by St. Peter, that the temerity of the Barons should not go unpunished. He sent them orders to renounce those privileges which they had with so much difficulty obtained, or incur the anger of the Holy See. The Barons, however, disregarding the rage of the Pope, immediately seized on Rochester, at that time a vast magazine of arms and ammunition.

Advice now came to King John, that large bodies of troops, raised by his agents, had arrived at Dover; in fact, the numbers were so great, that although forty thousand men under the conduct of Hugh de Boves are said to have perished at sea, yet there were a sufficient number remaining to awe the Barons.

The king's first undertaking with these mercenaries, was to attack Rochester, which

he carried, although the Barons used every means to throw succours into it. Immediately after this event he divided his army, with an intent to ravage the southern counties. England was now in a most miserable state; two armies of foreigners, rendered bold and bloody by success, and the king's promises, were destroying the country in a merciless manner. The Barons finding their power incompetent to meet the foe in the field, had returned to London: their castles, their houses, and their lands were now laid waste by the enemy; and those great characters, which but a short time before had been the boast of every Englishman blessed with the light of reason, were reduced to the most deplorable condition, which life is capable of sustaining.

The insatiate John seemed to glut his revenge with all that pleasure which plays about the heart of a sanguinary tyrant, intent on the destruction of humanity. He ravaged with fire and sword the counties of Essex, Middlesex, Hertford, Cambridge, and Huntingdon; while Pope Innocent thundered the anathemas of the Church against the distressed Barons and their partizans.

The Barons finding their estates plundered and given to foreigners, that last resource of wretchedness, despair, prompted them to offer, as far as in their power lay, the crown of England to Prince Louis, son of King Philip of France. Philip readily embraced the proposition; and, after having received hostages from the Barons, began to make preparations for a descent.

Louis landed soon after at Sandwich, in Kent, without interruption. He marched to Rochester, which he took after a faint resistance; and the whole county of Kent, Dover excepted, became in a very short time under the controul of the *French*. Louis, soon after, became master of the southern counties; Norfolk and Suffolk had likewise submitted to his arms, and the city of York had fallen before the power of his adherents: during which time the base John had the mortification to find his foreign friends, his hired adventurers, were deserting in numbers to his foe. This circumstance, with a variety of others, all tending to affect both the mental and bodily faculties, threw him into a fever, which deprived him of life on the 18th of October 1216, one year and four months after he had signed Magna Charta.

Not

Not even this wicked king, nor any of his successors, with intentions equally unworthy, have yet been able to destroy this glorious work. It has, indeed, been mutilated, but to this hour it remains the corner stone of English liberty; and it is most fervently to be hoped, that nothing short of the general wreck of Nature, will ever shake it to its fall.

The Constitution of England, as established by the above sacred authority, having become much impaired by the encroachments made upon it by some of the English kings, but more particularly by those of the Stuart dynasty, who exceeded all their progenitors in mutilating the venerable fabric; these men formed a court of *Star Chamber*, a court of fine and imprisonment, without the interference of Juries—These men assumed a power of dispensing with the laws—These men exacted money from the people of England, without the authority of parliament—These men endeavoured to establish the power of the pope in England—These men arrogated to themselves divine authority to rule—These men were pensioners to the court of France. One of these men deservedly lost his life on the scaffold, and one of these men probably saved his life by abdication; and

and the descendants of the latter were excluded from the succession to the throne of England for the presumption, the insincerity, and the profligacy of their ancestors. This deluded family ever lost sight of a maxim, which, it is to be hoped, the present exalted family will constantly keep within their view, "*That while "they continue true to the people, the people will "continue true to them.*"

At the abdication of James, the crown of England was offered to the Prince of Orange, on certain conditions, which were afterwards formed into a Bill, or Charter, and called the *Bill of Rights*. This bill by no means abrogated Magna Charta; it went only to add strength to the weakened part of that great work, and to make some additional amendments thereto, beneficial both to the prince and the people.

Having shewn the means by which our ancestors obtained the two great Charters of our liberties, I come now to the painful task of pointing out the decline of liberty, by the violences committed thereon, by weak or wicked ministers, from time to time.

During

During a period of twenty-five years from the establishment of the Bill of Rights, Corruption may be said almost to have hid its monstrous head; but soon after the introduction of a new family from Germany to the throne of England—a family at that time wholly unacquainted with the laws of the country, or the genius of the people—a plan was formed by some designing courtiers, which presently became a basis for a system of corruption, as complete as the most wicked of men could ever wish or hope for. Sir Robert Walpole was the first minister who dared openly to act upon this system, soon after the commencement of the reign of George II. He was a bold minister, and bribed in the face of day, and presumed to say, "That every "man had his price." Notwithstanding this man's barefacedness in the practice of bribery, he was wanting in the refinement, in the subtleties of the art, as practised by some of his successors in office. The liberty of the subject was, however, less sported with in the reign of George II. than it has been since. The *Habeas Corpus* act was but once suspended during that reign, and that at a time when the most imminent danger threatened the nation from an army of rebels within its own bowels,

bowels, headed by a man who claimed the crown by *jure divino*, divine right—I mean the Pretender, Charles Edward Stuart.

The administration of Lord Bute struck the first great blow at the Constitution since the formation of the Bill of Rights. This was by an attempt to establish a remnant of the old Star-Chamber tyranny, as practised by the first Charles *of glorious memory*, under the name of a general warrant issued from the Secretary of State's office, and signed by the Secretary himself. The first attack by this new weapon, or rather old weapon new polished, was, very fortunately for the country, made on an intrepid character, John Wilkes, member for Aylesbury; who had rendered himself obnoxious to ministers by his bold speeches in the House of Commons, and by his writings without doors. The matter was at length argued in the Court of Common Pleas, Westminster, before Sir Charles Pratt, afterwards Lord Camden, and declared to be illegal. This latter event took place during the short administration of the Marquis of Rockingham, 1765.

The Duke of Grafton next succeeded to office: his strides at power beyond the law

soon manifested itself; and the case of the Freeholders of Middlesex, so far as related to Mr. Wilkes and Colonel Lutterell, must ever stigmatize, not only the ministers, but the venal parliament of the day. In fact, it was the bare-faced corruption of this time that called forth the pen of the admirable Junius; who never ceased to lash the infamy of those concerned in frittering away the rights of the people, till he drove them, with disgrace, from the situations which they were unworthy to fill, into obscurity, if not oblivion.

The Duke of Grafton's administration no sooner closed, than Lord North, previously an under workman, now took the lead in the ministerial work-shop. The American war, and the objects immediately connected therewith, occupied a great part of this administration. Notwithstanding this might be supposed to have been sufficient for the management of any minister, he thought proper also to irritate the people of England by a measure which ought never to be resorted to but in the worst of times:—this was no other than a suspension of the Habeas Corpus act; a measure which had lain dormant since the year

1745

1745. By the suspension of this act the liberties of the people are laid at the foot of the minister: it enables him to imprison any subject, during the suspension, without shewing any cause for so doing, or bringing the supposed offending party to a trial. Thus have Englishmen been, by a complying and venal parliament—a parliament whose majority consisted of placemen and pensioners—consigned to prisons from two to five years; and at length liberated, without trial, or any satisfaction whatever for the injuries sustained either in person or property. The cases of Bingley and Le Maitre, out of many more, will justify me in the above assertion: the ministers, always taking care to cover themselves from the reach of the law, by an act of indemnity.

The North administration, which finished in the early part of 1781, was succeeded by the Rockingham, which was put an end to by the death of the Marquis, and was succeeded by the Shelburne administration; which gave place, very early in 1783, to the coalition, or North and Fox administration: this administration did not stand one whole year. During the Shelburne administration, the American colonies were declared "free and inde-

" pendent states;" and from which time may be dated the decline of the British Empire. During these three short administrations, nothing material was done by ministers that affected the Constitution.

We now arrive at the period of William Pitt's first administration: it will be found replete with aggression against the subject. This man, at the set-out of his career, promised much in favour of the people. The popular son of a popular father, he was, previous to his appointment of prime minister, the clamorous never-ceasing advocate for Parliamentary Reform, " a matter most " devoutly to be wished;" but no sooner had he obtained the summit of office, but his tones lowered, and fell by degrees, from the warm friend into the determined enemy of that measure.

Mr. Pitt had now become, instead of the champion of the people's liberties, the champion of the court; and every act and thing that breathed the warm spirit of liberty, which he had heretofore endeavoured to fan into an enthusiastic flame, he doomed to destruction. Many persons were apprehended

on

on charges of high treason; and among them, John Horne Tooke, a very learned and worthy character, who had, from the early part of the present reign, united with some of the first characters in the kingdom to stem the overwhelming torrent of ministerial corruption. These men were tried by a special commission at the Old Bailey, and acquitted. Mr. Pitt was subpœna'd as an evidence, and examined; but, to his eternal disgrace, he prevaricated; and pretended to have lost all recollection of his own actions, when at meetings instituted for the promotion of Parliamentary Reform, until reminded thereof in a manner that must have been highly hurtful to the feelings of a man of honour. No sooner were these trials finished, but he introduced a new treason bill into the House of Commons, and it received the royal assent: the old treason act, which had been, from the time of Edward III. found quite sufficient for all its alledged purposes, became now exploded. Many other acts, militating against the liberty of the subject, originated during this man's administration, as well as the ruinous war in which we are at present unfortunately engaged, and to which we must attribute the aggrandizement of France, and the submission of almost all the powers

on

on the European continent, to the yoke of that overwhelming power.

The Addington administration, the second administration of Pitt, the Grenville and Fox, and the Portland administration, have not openly attacked the Constitution; yet, by a kind of side-wind, or by a misconstruction of the Bill of Rights, violent encroachments have been made upon the liberty of the subject, as in the cases of Wakefield, and White and Hart, and of which I shall speak shortly.

Peculators and mal-administrators in various departments of the state have been exposed, if not otherwise punished. Corruption has been found to pervade every office and department of Government that has hitherto come under the investigation of the Committees appointed for that purpose.

The recent inquiry into the conduct of the Duke of York, as Commander in Chief of the army, has thrown a strong light on the features of this devouring monster; and although the vote of a majority of the House of Commons, declaratory of the Duke's innocence of corruption, has passed, it will be, notwithstanding, a difficult

a difficult task indeed for ministers to bring the minds of the people to a belief that he is innocent of connivance also.

It is not only in the departments of the state itself, that Corruption stalks unchecked; but into that "*Imperium in Imperio*," that injurious monopoly, the India Company, it has also found its way. Indeed, we never expected virtue to spring out of such ill-composed materials as the union sovereignty and traffic: a sovereign and a merchant will never amalgamate. Writerships and cadetships have been sold in a variety of instances, through the industrious agency of Tahourdin and Shee, a pair of men calling themselves Solicitors, but better known by the name of Lawyers; and it appears from the debates at the India House, on Friday, April 7, that no less than eleven Directors were implicated in the nefarious traffic. It is most fervently to be hoped, that the law will be sufficiently strong to reach all or any of them found guilty of such a gross and scandalous abuse both of their patronage and their oath.

In the city, attempts to render the 5th section of the Bill of Rights a dead letter, was made by

by the Mayor, *Charles Flower*, by refusing a Common Hall, under a requisition, according to law and usage. This weak man (not to use a harsher phrase) presumed to dictate to the citizens, and place his own very moderate judgment in competition with that of men of real abilities, enlightened understanding, and eloquence. He was, however, at length, obliged to comply with the wishes of the citizens; and that body compelled him to put a vote of censure on his own conduct, and it passed with very few dissents in a Hall, composed of five thousand persons. The Court of Common Council have also expressed most fully their opinion on the subject of corruption, and also on the conduct of the majority in Parliament in favour of the Duke of York. In Resolution V. they declare, that "they (the majority of Parliament) voted "in direct contradiction to the evidence pro- "duced." This declaration, or resolution of the citizens, falls very little short of a vote of infamy, and places them and the majority of Parliament at issue; one or the other must be right, and the people at large are the umpire in this great question. The citizens of London have ever been looked up to by the nation at large, as the assertors of true liberty. Whenever the state has appeared to be in danger, either from the

he misconduct of the monarch, or from a licentious spirit in the people, the rule of their conduct has been uniformly to support right; and the example set by them has been, in almost every instance, followed by all other corporations of consequence in the kingdom. The present conduct of the citizens will do them honour so long as liberty remains in England; and has shown them as men, worthy of a place by the side of those immortal worthies, our ancestors, who brought about the glorious Revolution in 1688.

I will now speak of some of the most striking recent encroachments on the English Constitution, agreeable to the promise made a few pages back.

The 10th section of the Bill of Rights is thus expressed—"*That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.*" It is fine, it is beautiful in itself, and breathes that heavenly spirit of mercy, that every man of common understanding must admire. This section appears to me to be very plain, even to the conceptions of men of ordinary talents; it ought to appear at least as clear, and to be

as well understood by those of more enlightened minds and superior education. Notwithstanding which, excessive bail, or surety, has been required. The case of Lord G. Gordon, for a libel on Antoinette, the infamous and last queen of France, is in point, and which caused that unfortunate, and I will say ill-advised man to terminate his existence in prison: I think the prison was Newgate.

Excessive fines have also been demanded—I here allude to the case of Dickie, the Stationer. I will not, in this place, go into an investigation of the character of this man; I mean only to say, that in consequence of the excessive fine imposed as a retribution for his criminality, and which it was out of his power to pay, he lingered many years in prison, and in prison he ultimately died.

The third part of the 10th section appears to apply directly in point to several recent cases. In fact, not only the letter, but the very spirit, here go hand in hand: the words *cruel* and *unusual* want no definition; they speak for themselves. Our ancestors spoke thus plain, because no misconstruction should be put upon the words of the Charter, every syllable

syllable of which is so simple, that it is immediately understood by the most inferior capacity, on the first reading. The Rev. Gilbert Wakefield was convicted for publishing a libel in either the city of London or county of Middlesex; and his sentence went to confine him in the gaol of Dorchester, instead of the county-gaol of Middlesex, or Newgate. The case of White and Hart is directly in point with Wakefield's case. These men were, one the printer or editor, and the other the publisher, of a weekly newspaper: they were convicted of printing and publishing two libels in the city of London; and the punishment was partly by fine, and partly by imprisonment, not in the gaol of the city of London, where they had committed the offence, but in Dorchester and Gloucester gaols, situated in counties or districts wherein it was not even stated that they had committed any the least offence. These punishments appear to strike both at the letter and spirit of the Bill of Rights; and if such is the construction put by some men on this part of our Constitution—and such construction appears now to be the leading point of our law-courts—county and district gaols are at once rendered useless, as far as relates to their original institution; and one general depôt, in

some remote corner of the island will best suit the disposition of some interpreters of that most excellent code of jurisprudence, established by our invaluable Constitution at the ever memorable and glorious Revolution, after the abdication of the bigotted king and villain, James II. These infringements, however, do not attach to the present ministers, or the present judges; they had been previously established under the administrations of North and Pitt, and were now grown into use from precedent.

Another encroachment on the rights of the people, and that of a gross and aggravated nature, I will now adduce:—the act empowering Justices of the Peace to try and determine certain causes in a "summary way;" that is to say, without the assistance of a jury, and from whose decision there is no appeal. This act is a direct attack on the 46th section of Magna Charta, which see in its proper place. The cases already quoted will be sufficient to shew, that a conspiracy against the liberties of the people has existed many years. I have only marked here some of its footsteps, from the accession of Lord Bute into power, in 1762; many more may be adduced, were it necessary to make any further observations thereon.

One

One concluding sentence, and I finish my address to my countrymen. The subject of Parliamentary Reform seems once more to engross the attention of the people. The 8th section of the Bill of Rights declares, "*that elections of Members of Parliament ought to be free;*" by which it is certainly implied, that there ought not to be any interference in elections, and that the representation ought to proceed from the electors, and the electors only. How can we then reconcile with this declaration, the elections, as they are termed, in those boroughs under the immediate influence, or rather, in the gift of certain noble and opulent families *, who, from

* In the Court of Common Council it was stated, that 17 Peers and 92 Commoners returned 368 members to the House of Commons; and in one of the resolves of the said body they declare, "*that it appears by a report of a Committee* "*of the House of Commons, that* 78 *Members of that House* "*are in the receipt of* £178,994 *per annum out of the public* "*money.*" In another part of their resolutions they declare, that "if any doubt could remain as to the baneful effect of "such influence, it has been sufficiently exemplified by the "rejection of Mr. Wardle's late proposition in parliament, "against the most conclusive evidence, and unequivocal "sense of the country, and where it appeared that all his "Majesty's ministers, all the placemen, and all the pen-"sioners, then present, (stated to be 82 in number) voted "against the said proposition; while in the minority of "125,

from among themselves, and not by the free suffrage of the people, elect nearly half of what is called the representation of the people of England. Nearly all the boroughs of Wiltshire and Cornwall, and many others in different counties, are rendered useful only to their patrons; and it is impossible to speak otherwise than indignantly, when we find such places as Old Sarum, Gatton, and many others, some quite destitute of votes, and others nearly so, sending members to Parliament; while the flourishing towns of Manchester, Glasgow, Leeds, Birmingham, and Sheffield, each with a population from thirty thousand to eighty thousand souls, as appears by the *census* taken in 1801, remain without any representation whatever in the Commons' House of Parliament. This is a matter which cries loudly for remedy; and it must be remedied if it is not remedied shortly by prudent measures, it will ultimately find its own remedy, and very probably in violence.

Let it be considered, that taxation has nearly reached its climax; that one seventh, by the best calculation, of all the people of England are

" 125, not one minister, not one placeman, not one pen-
" sioner, and only one naval and military commander was
" to be found."

paupers;

paupers; that luxury pervades almost every rank of society; that the cry of corruption in the state comes from every mouth, and the cry of Reform! Reform! proceeds from every tongue, and reverberates upon every ear, throughout the kingdom; that religion and morality are smiled at as useless in modern society; that public virtue is lost, because men obtain seats in parliament, by purchase or patronage, without possessing honour, honesty, or national pride—When we have an enemy almost at our doors as fertile in projects as he is successful in their execution—Think of these things, ye, whose duty it is to apply, at least the palliative, if not the caustic, to the sores which threatens death to the Body Politic; and when you have considered these things well, and determine that this is not the proper season for Reform, at least acknowledge your infatuation, and rush upon perdition.

L.

MAGNA CHARTA;

OR THE

GREAT CHARTER

OF

LIBERTIES,

Granted by King JOHN *to the* PEOPLE *of* ENGLAND,

on the 15th Day of June, 1215

JOHN, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou; to the archbishops, bishops, abbots, earls, barons, justiciaries of the forests, sheriffs, governors, officers, and to all bailiffs, and other his faithful

* Taken from an authentic copy of the original, in the Cottonian library at Oxford.

The Notes at the bottom referred to by the letters (*a*), (*b*), &c. are such paragraphs as are to be found in the *Magna Charta* extant in Matthew Paris, (p. 255.) and which are left out in the Cottonian copy. All insertions within these marks [ ] are the clauses omitted in the *Magna Charta* of Henry III. The reader will therefore find here a faithful copy of the Cottonian library Charter, as also that of Matthew Paris, and that of Henry III.

subjects

subjects, greeting. Know ye, that We*, in the presence of God, and for the health of our soul, and the souls of our ancestors, and heirs, and to the honor of God, and the exaltation of his holy church, and amendment of our kingdom, by advice of our venerable fathers, Stephen archbishop of Canterbury, primate of all England, and cardinal of the holy Roman church; Henry archbishop of Dublin, William bishop of London, Peter of Winchester, Jocelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester, bishops; and Master Pandulph, the Pope's sub-deacon and ancient servant; brother Aymerick, master of the Temple in England, and the noble persons William Marescall earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galoway constable of Scotland, Warin Fitz-Gerald, Peter Fitz-Herebert, and Hubert de Burgh seneschal of Poictou, Hugh de Neville, Matthew Fitz-Herebert, Thomas Basset, Alan Basset, Philip de Albiney, Robert de Ropele, John Marescall, John Fitz-Hugh, and others our liegemen; have in the first place granted to God, and

* King John was the first of the kings of England, who in his grants wrote We. (Coke's Institutes, p. 2.)

by this our present Charter, confirmed for us and our heirs for ever.

1. That the church of England shall be free *, and enjoy her whole rights and liberties inviolable †. And we will have them so to be observed, which appears from hence, that the freedom of elections, which was reckoned most necessary for the church of England ‡, of our own free will and pleasure we have granted and confirmed by our Charter, and obtained the confirmation of, from Pope Innocent the Third, before the discord between Us and our barons, which Charter we shall observe, and do will it to be faithfully observed by our heirs for ever.

2. We have also granted to all the freemen of our kingdom, for us and our heirs for ever, all the underwritten liberties, to have and to hold them and their heirs, of Us and our heirs.

* The goods and possessions of Ecclesiastics shall not be liable to oppression, but yield only lawful duties. (Coke, p. 2.)

† Ecclesiastics receive from this grant nothing more than a confirmation of their ancient privileges. (Coke, p. 3.)

‡ See Rapin, page 267, col. 1.

3. If

3. If any of our earls*, or barons, or others, who hold of Us in chief by military service, shall die, and at the time of his death his heir shall be of full age, and owe a relief, he shall have his inheritance by the ancient relief†; that is to say, the heir or heirs of an earl, for a whole earl's barony, by a hundred pounds; the heir or heirs of a baron, for a whole barony, by a hundred pounds‡; the heir or heirs of a knight, for a whole knight's fee, by an hundred shillings at most; and he that oweth less shall give less, according to the ancient custom of fees:

* At this time the titles of Duke, Marquis, and Viscount, were unknown in England. (See Rapin, p. 149, 150; and Selden's Titles of Honor.

† The relief of an Earl, as set down in the laws of William I. was, eight horses saddled and bridled, four helmets, four coats of mail, four shields, four spears, four swords, four chafers, and one palfrey bridled and saddled. The relief of a Baron was one half of the above, together with the palfrey. That of a vavasor, or great vassal, to his lord, his best horse, his helmet, coat of mail, shield, spear, sword; or, in lieu of these, one hundred shillings, &c. &c. (Coke, p. 7.)

‡ The Cottonian copy has it as above; but it should be *marks* in lieu of *pounds*. (Coke, p. 7.)

4. But if the heir of any such shall be under age, and shall be in * ward (*a*), when he comes of age, he shall have his inheritance without relief or without fine (*b*).

5. The warden of the land of such heir, who shall be under age, shall take of the land of such heir only reasonable issues, reasonable customs, and reasonable services †; and that without destruction and waste of the men or things (*c*). And if we shall commit the guardianship of these lands to the sheriff, or any other, who is answerable to us for the

(*a*) [His lord shall not have the wardship of him, nor his land, before he hath received his homage; and after such heir shall be in ward, and shall attain to the age of twenty-one years.]

(*b*) [Yet so, that if he be made a knight § while he is under age, nevertheless the lands shall remain in the custody of the lord, until the aforesaid time.]

(*c*) [Upon the estate.]

* Heirs of the king's tenants, while under age, were said to be in ward.

† By *Issues* are meant rents and profits, customs, advowsons, commons, strays, fines, &c. By *Services*, the labour due from copyholders to their lords. (Rapin, p. 150, and Notes; and Coke, p. 12, 13.)

§ By being made a knight, the heir was out of ward as to his body; but the land remained in custody of the lord. (Coke, p. 11.)

issues

issues of the land; and if he shall make destruction and waste upon the ward-lands, we will compel him to give satisfaction, and the land shall be committed to two lawful and discreet tenants of that fee, who shall be answerable for the issues to us, or to him whom we shall assign. And if we shall give or sell the wardship of any such lands to any one, and he makes destruction or waste upon them, he shall lose the wardship, which shall be committed to two lawful and discreet tenants of that fee, who shall in like manner be answerable to us, as hath been said.

6. But the warden, so long as he shall have the wardship of the land, shall keep up and maintain the houses, parks, warrens, ponds, mills, and other things pertaining to the land, out of the issues of the same land; and shall restore to the heir, when he comes of full age, his whole land stocked with ploughs and carriages, according as the time of wainage shall require, and the issues of the land can reasonably bear *(a)*.

(a) [And all these things shall be observed in the custodies of vacant archbishopricks, bishopricks, abbies, priories, churches, and dignities which appertain to us; except that these wardships are not be sold.]

7. Heirs

7. Heirs shall be married without disparagement *, [so as that before matrimony shall be contracted, those who are nearest to the heir in blood shall be made acquainted with it.]

8. A widow, after the death of her husband, shall forthwith, and without any difficulty, have her marriage †, and her inheritance; nor shall she give any thing for her dower, or her marriage, or her inheritance, which her husband and she held at the day of his death: And she may remain in the capital messuage or mansion house of her husband, forty days after his death; within which term her dower shall be assigned (*a*).

(*a*) [If it was not assigned before, or unless the house shall be a castle; and if she departs from the castle, there shall forthwith be provided for her a complete house, in which she may decently dwell, till her dower be to her assigned as hath been said; and she shall in the mean time have her reasonable *Estover* (competent maintenance) out of the common [Revenue.] And there shall be assigned to her for her dower, the third part of her husband's lands, which were his in his life time, except she were endowed with less at the church door.]

* Under his degree.

† Liberty to marry where she will.

9. No

9. No widow shall be destein'd * to marry herself so long as she has a mind to live without a husband. But yet she shall give security that she will not marry without our assent, if she holds of Us; or without the consent of the lord of whom she holds, if she holds of another.

10. Neither we nor our bailiffs † shall seize any land ‡ or rent for any debt, so long as there shall be chattels of the debtor's upon the premises, sufficient to pay the debt *(a)*. Nor shall the sureties of the debtor be destrained, so long as the principal debtor is sufficient for the payment of the debt.

11. And if the principal debtor fail in the payment of the debt, not having wherewithal to discharge it *(b)*, then the sureties shall answer the debt, and, if they will, they shall have the lands and rents of the debtor, until they shall be satisfied for the debt which they

(a) [And that the debtor be ready to satisfy it.]
(b) [Or will not discharge it when he is able.]

* Compelled by seizing her goods.

† Sheriffs and their officers. (Coke, p. 19.)

‡ Previous to this grant, the king could take the body, lands, and goods of the debtor. (Coke, *ibid.*)

paid

paid for him; unless the principal debtor can show himself acquitted thereof, against the said sureties.

12. [If any one have borrowed any thing of the Jews, more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold: and if the debt falls into our hands, we will take only the chattels mentioned in the Charter or instrument.]

13. [And if any one shall die indebted to the Jews, his wife shall have her dower, and pay nothing of that debt; and if the deceased left children under age, they shall have necessaries provided for them according to the tenement (or real estate) of the deceased, and out of the residue the debt shall be paid; saving however the service of the lords. In like manner let it be with the debts due to other persons than Jews.]

14. No *Scutage* * or aid shall be imposed in our kingdom, unless by the common coun-

* Military service, due to the king from the tenants in chief. (Rapin.)

cil

cil of our kingdom, except to redeem our person, and to make our eldest son a knight, and once to marry our eldest daughter; and for this there shall only be paid a reasonable aid.

15. [In like manner it shall be concerning the aids of the city of London; and] the city of London shall have all its ancient liberties and free customs, as well by land as by water.

16. Furthermore, we will and grant that all other cities and boroughs, and towns *(a)*, and ports, shall have all their liberties and free customs; and shall have the common council of the kingdom concerning the assessment of their aids, except in the three cases aforesaid.

17. [And for the assessing of scutages we shall cause to be summoned the archbishops, bishops, abbots, earls, and great barons of the realm, singly by our letters.]

(a) [And barons of the Cinque ports*.]

* The Cinque ports are in the county of Kent, and have great privileges. (Rapin.)

18. [And furthermore, we shall cause to be summoned in general by our sheriffs and bailiffs, all others who hold of us in chief*, at a certain day, that is to say, forty days (before their meeting) at least, to a certain place; and in all letters of such summons, we will declare the cause of the summons.]

19. [And summons being thus made, the business shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned come not.]

20. We will not for the future grant to any one, that he may take aid of his own free-tenants, unless to redeem his body; and to make his eldest son a knight, and once to marry his eldest daughter; and for this there shall only be paid a reasonable aid.

21. No man shall be distreined to perform more service for a knight's fee, or other free tenement, than is due from thence.

* It appears by this article that none but tenants in chief, had a right to sit in the common-council, or parliament. (Rapin.)

22. Common

22. Common Pleas shall not follow our court but shall be holden in some certain place: trials upon the writs of *Novel Disseisin*, and of *Mort d'Ancestor*, and of *Darreine Presentment* *, shall be taken but in their proper counties, and after this manner: We, or (if we shall be out of the realm) our chief justiciary, shall send two justiciaries through every county four times a year; who, with the four knights chosen out of every shire by the people, shall hold the said assizes in the county, on the day, and at the place appointed.

23. And if any matters cannot be determined on the day appointed to hold the assizes in each county, so many of the knights and freeholders as have been at the assizes afore-

* A writ of *Assize* of *Novel Desseisin* lies, where a tenant, for ever, or for life, is put out and desseised of his lands or tenements, rents, common of pasture, common way, or of an office, toll, &c. that he may recover his right. (G. Jacob.) A writ of *Mort d'Ancestor* is that which lies where any near relations of a man die, seized of lands, rents, or tenements, and after his death, a stranger seizes them.——A writ of *Darreine Presentment* lies, where a man or his ancestors have presented to a church, and after it has become void, a stranger presents thereto, whereby the person having right is disturbed. (*Id.*)

said, shall be appointed to decide them, as is necessary, according as there is more or less business (*a*).

24. A free man * shall not be amerced for a small fault, but according to the degree of the fault; and for a great crime, in proportion to the heinousness of it, saving to him his contenement †, and after the same manner a merchant, saving to him his merchandise.

25. And a villain (*b*) shall be amerced after the same manner, saving to him his wainage ‡, if he falls under our mercy; and none of the aforesaid amerciaments § shall be assessed, but by the oath of honest men of the neighbourhood (*c*).

(*a*) [Assizes of *Darriene Presentment* to churches, shall be always taken before the justiciaries of the bench.]

(*b*) [Of any other than our own.]

(*c*) [Of the county.]

* A Freeholder.

† The means of livelihood, such as tools, implements, &c.

‡ Carts and implements of husbandry.

§ Pecuniary punishment of an offender, against the king. (Jacob.)

26. Earls

26. Earls and barons shall not be amerced but by their peers*, and according to the quality of the offence.

27. No ecclesiastical person shall be amerced, but according to the proportion aforesaid, and not according to the value of his ecclesiastical benefice.

28. Neither a town, nor any person, shall be distreined to make bridges over rivers, unless that anciently, and of right they are bound to do it (*a*).

29. No sheriff, constable †, coroners, or other our bailiffs, shall hold pleas of the crown.

30. [All counties, hundreds, wapentakes, and trethings, shall stand at the old ferm, without any encrease, except in our demesne lands.]

31. If any one that holds of us a lay fee,

(*a*) [No river for the future shall be embanked, but what was embanked in the time of King Henry our grandfather.]

* Equals.

† Constable of a castle. Men in ancient times of great authority.

dies,

dies, and the sheriff or our bailiff show our letters-patent of summons concerning the debt, due to us from the deceased; it shall be lawful for the sheriff or our bailiff to attach and register the chattels of the deceased found upon his lay-fee, to the value of the debt, by the view of lawful men, so as nothing be removed until our whole debt be paid; and the rest shall be left to the executors to fulfil the will of the deceased: and if there be nothing due from him to us, all the chattels shall remain to the deceased, save to his wife and children their reasonable shares.

32. [If any freeman dies intestate, his chattels shall be distributed by the hands of his nearest relations and friends, by view of the church, saving to every one his debts, which the deceased owed.]

33. No constable or bailiff of ours shall take corn or other chattels of any man (*a*), unless he presently gives him money for it, or hath respite of payment from the seller (*b*).

(*a*) [Who is not of the town where the castle is.]

(*b*) [But if he be of the same town, he shall pay him within forty days.]

34. No

34. No constable shall distrein any knight to give money for castle-guard, if he himself shall do it in his own person, or by another able man, in case he shall be hindered by any reasonable cause.

35. And if We shall lead him, or if we shall send him into the army, he shall be free from castle-guard, for the time he shall be in the army, by our command (*a*).

36. No sheriff or bailiff of ours, or any other, shall take horses or carts of any for carriage (*b*).

37. Neither shall We or our officers or others, take any man's timber for our castles, or other uses, unless by the consent of the owner of the timber (*c*).

38. We will retain the lands of those that

(*a*) [For the fee, for which he did service in the army.]

(*b*) [Without paying according to the rate anciently appointed; that is to say, for a cart and two horses, ten-pence a day; and for a cart and three horses, fourteen-pence a day.]

(c) No demesne cart of any ecclesiastical person, or knight, or any lady, shall be taken by our officers.

are

are convicted of felony but one year and a day, and then they shall be delivered to the lord of the fee.

39. All Weares for the time to come shall be demolished in the rivers Thames and Medway, and throughout all England, except upon the sea-coast.

40. The writ which is called *Præcipe**, for the future, shall not be granted to any one of any tenement, whereby a freeman may lose his cause.

41. There shall be one measure of wine, and one of ale, through our whole realm; and one measure of corn, that is to say, the London quarter; and one breadth of dyed cloth and russets and haberjects†, that is to say, two ells within the list; and the weights shall be as the measures.

42. From henceforward nothing shall be

* The writ called *Præcipe quod reddat.* It signifies in general an order from the king, or some court of justice, to put in possession any person complaining of having been unjustly put out.

† A sort of coarse cloth.

given

given or taken for a writ of inquisition*, from him that desires an inquisition of life or limbs, but shall be granted *gratis*, and not denied.

43. If any one holds of us by fee-farm, or socage, or burgage†, and holds lands of another by military service, We will not have the wardship of the heir or land, which belongs to another man's fee, by reason of what he holds of Us by fee-farm, socage, or burgage: nor will we have the wardship of the fee-farm, socage, or burgage, unless the fee-farm is bound to perform military service.

44. We will not have the wardship of an heir, nor of any land, which he holds of another by military service, by reason of any *petit serjeanty* he holds of us, as by the service of giving us daggers, arrows, or the like.

* A writ directed to the sheriff, to enquire whether a man sent to prison on suspicion of murder, was committed on just cause of suspicion, or only out of malice. (Jacob.)

† To hold in *Fee-Farm*, is, when there is some rent reserved by the lord, upon granting the tenancy. To hold in *Socage*, is, upon condition of ploughing the lord's land, and doing other offices of husbandry. And to hold in *Burgage*, is, when the inhabitants of a borough pay the king a certain rent for their tenements.

45. No bailiff for the future shall put any man to his law*, (*a*) upon his single accusation, without credible witnesses produced to prove it.

46. No freeman shall be taken, or imprisoned, or disseis'd (*b*), or out-law'd, or banished, or any ways destroyed; nor will we pass upon him, or commit him to prison, unless by the legal judgment of his peers, or by the law of the land †.

47. We will no sell to no man, we will deny no man, nor defer right or justice.

48 All merchants (*c*) shall have safe and secure conduct to go out of, and come into England‡; and to stay there, and to pass, as well by land as by water; to buy and sell by the

(*a*) [Not to an oath.]

(*b*) [Of his freehold or liberties, or free customs.]

(*c*) [Unless they be publicly prohibited.]

* To take his oath.

† Legal process, trial by a jury of equals. (Dr. Brady.)

‡ By some ancient laws of England, foreign merchants were forbid to come into the kingdom, except in fair times, and were not allowed to continue therein more than forty days. (Coke, p. 57.)

ancient

ancient and allowed customs, without any evil tolls, except in time of war, or when they shall be of any nation in war with us.

49. And if there shall be found any such in our land in the beginning of a war, they shall be attached, without damage to their bodies or goods, until it may be known unto us, or our chief justiciary, how our merchants be treated in the nation at war with us: and if ours be safe there, they shall be safe in our land.

50. [It shall be lawful for the time to come, for any one to go out of our kingdom, and return safely and securely by land or by water, saving his allegiance to us; unless in time of war by some short space for the common benefit of the kingdom, except prisoners and out-laws, (according to the law of the land) and people in war with Us, and merchants who shall be in such condition as is above mentioned.]

51. If any man holds of any escheat, as of the honour of Wallingford, Nottingham, Bologne, Lancaster, or of other escheats which are in our hands, and are baronies, and dies, his heir shall not give any other relief, or perform any other service to Us than he would to the

baron, if the barony were in possession of the baron; We will hold it after the same manner the baron held it (*a*).

52. [Those men who dwell without the forest, from henceforth shall not come before our justiciaries of the forest upon summons, but such as are impleaded, or are pledges for any that were attached for something concerning the forest] (*b*).

53. We

(*a*) Nor will we by reason of such barony or escheat, have any escheat or wardship of any of our men, unless he that held the barony or escheat, held of us in chief elsewhere.

(*b*) [No County-court for the future shall be holden but from month to month; and where there used to be a greater interval, let it be so continued. Neither any sheriff, or his bailiff, shall keep his turn in the hundred oftener than twice in a year, and only in the accustomed place; that is, once after Easter, and once after Michaelmas; and the view of *Frank-pledge* shall be held after Michaelmas, without occasion*, and so that every one shall have his liberties, which he had and was wont to have in the time of King Henry our grandfather, or such as he obtained afterwards. But the view of *Frank-pledge* shall be so made, that our peace may be kept, and that the tything be full, as it was wont to be. And the sheriffs shall not seek occasions †, but shall be content with what the sheriff was wont to have, for making his view, in

* Without oppression. (Dr. Brady.)

† Causes to oppress any man. (*ibid.*)

the

53. We will not make any justiciaries, constables, sheriffs, or bailiffs, but what are knowing in the law of the realm, and are disposed duly to observe it.

54. All barons, who are founders of abbies, and have charters of the Kings of England for the advowson, or are entitled to it by an-

the time of King Henry our grandfat time to come it shall not be lawful for any man to give his land to a religious house, so as to take it again, and hold it of that house. Nor shall it be lawful for any religious house to receive land, so as to grant it to him again of whom they received it, to hold of him. If any man for the future shall so give his land to a religious house, and be convicted thereof, his gift shall be void, and the land shall be forfeited to the lord of the fee*. Scutage for the future shall not be taken, as it was used to be taken in the time of King Henry our grandfather. [And that the sheriff shall oppress no man, but be content with what he was wont to have.] Saving to the archbishop, bishops, abbots, priors, templers, hospitallers, earls, barons, knights, and all others, as well ecclesiastics as seculars, the liberties and free customs which they had before: These being Witnesses, &c.

* By holding lands of the church, the service due from the fees, which were intended for the defence of the kingdom, were unjustly withdrawn; and the chief lords lost thereby the escheats, wardships, reliefs, &c. Many ways were found to evade the force of this law, until an effectual stop was put thereto, by the statute of *Mortmain*, 7 Edward II.

cient

cient tenure, may have the custody of them, when void, as they ought to have.

55. All woods that have been taken into the forests *(a)* in our own time, shall forthwith be laid out again *(b)*, and the like shall be done with the rivers that have been taken or fenced in by us, during our reign.

56. All evil customs concerning forests, warrens, and foresters, warreners, sheriffs, and their officers, rivers, and their keepers, shall forthwith be enquired into in each county, by twelve knights of the same shire, chosen by the most creditable persons in the same county, and upon oath; and, within forty days after the said inquest, be utterly abolished, so as never to be restored (*c*).

57. We will immediately give up all hostages and engagements, delivered unto us by our English subjects, as securities for their keeping the peace, and yielding us faithful service.

(*a*) [By King Richard our brother.]

(*b*) [Unless they were our demesne woods.]

(*c*) [No freeman for the future shall give or sell any more of his land, but so that, out of the residue, the service due to the lord of the fee may be sufficiently performed.]

58. We

58. We will entirely remove from our bailiwicks the relations of Gerard de Athyes, so as that for the future they shall have no bailiwick in England. We will also remove Engelard de Cygony, Andrew, Peter, and Gyon de Canceles, Gyon de Cygony, Geoffrey de Martyn and his brothers, Philip Mark and his brothers, and his nephew Geoffrey, and their whole retinue.

59. And as soon as peace is restored, we will send out of the kingdom all foreign soldiers, cross-bowmen, and stipendiaries, who are come with horses and arms, to the injury of our people,

60. If any one hath been dispossessed, or deprived by us without the legal judgment of his peers, of his lands, castles, liberties or right, we will forthwith restore them to him; and if any dispute arises upon this head, let the matter be decided by the five and twenty barons hereafter mentioned *, for the preservation of the peace.

61. As

* According to Matthew Paris, p. 262, their names were, the Earls of Clare, Albemarle, Glocester, Winchester, Hereford, Earl Roger, Earl Robert, Earl Marescall junior, Robert Fitz-

61. As for those things, of which any person has, without the legal judgment of his peers, been dispossessed or deprived, either by King Henry our father, or our brother King Richard, and which we have in our hands, or are possessed by others, and we are bound to warrant and make good, we shall have a respite, till the term usually allowed the croises; excepting those things about which there is a suit depending, or whereof an inquest hath been made by our order, before we undertook the crusade. But when we return from our pilgrimage, or if we do not perform it, we will immediately cause full justice to be administered therein.

62. The same respite we shall have for disafforesting the forests, which Henry our father, or our brother Richard have afforested; and for the wardship of the lands which are in another's fee, in the same manner as we

Fitz-Walter senior, Gilbert de Clare, Eustace de Vesci, Hugh Bigod, William de Munbray, Gilbert de Laval, Robert de Ros. Richard de Perci, John Fitz-Robert, William Malet, Geoffrey de Say, Roger de Munbray, William de Huntingfield, Richard de Muntfichet, William de Albany, the Mayor of London, and the Constable of Chester.

have

have hitherto enjoyed those wardships, by reason of a fee, held of us by knight's service; and for the abbies founded in any other fee than our own, in which the lord of the fee claims a right. And when we return from our pilgrimage, or if we should not perform it, we will immediately do full justice to all the complainants in this behalf.

63. No man shall be taken or imprisoned, upon the appeal of a woman, for the death of any other man than her husband.

64. All unjust and illegal fines, and all amerciaments imposed unjustly, and contrary to the law of the land, shall be entirely forgiven, or else be left to the decision of the five and twenty barons hereafter mentioned for the preservation of the peace, or of the major part of them, together with the aforesaid Stephen archbishop of Canterbury, if he can be present, and others whom he shall think fit to take along with him. And if he cannot be present, the business shall notwithstanding go on without him. But so that, if one or more of the aforesaid five and twenty barons be plaintiffs in the same cause, they shall be set aside, as to what concerns this particular

affair; and others be chosen in their room out of the said five and twenty, and sworn by the rest to decide that matter.

65. If we have disseised or dispossessed the Welsh of any lands, liberties, or other things, without the legal judgment of their peers, they shall immediately be restored to them. And if any dispute arises upon this head, the matter shall be determined in the Marches, by the judgment of their peers. For tenements in England according to the law of England. For tenements in Wales according to the law of Wales. The same shall the Welsh do to Us and our subjects.

66. As for all those things, of which any Welshman hath, without the legal judgment of his peers, being disseised or deprived, by King Henry our father, or our brother King Richard, and which we either have in our hands, or others are possessed of, and we are obliged to warrant it; we shall have a respite till the time generally allowed, the croises: excepting those things about which a suit is depending, or whereof an inquest has been made by our order, before we undertook the crusade. But when we return, or if we stay at home

home and do not perform our pilgrimage, we will immediately do them full justice according to the laws of the Welsh, and of the parts afore-mentioned.

67. We will without delay dismiss the son of Lewelin; and all the Welsh hostages, and release them from the engagements they entered into with Us, for the preservation of the peace.

68. We shall treat with Alexander King of Scots, concerning the restoring of his sisters and hostages, and his right and liberties, in the same form and manner as we shall do to the rest of our barons of England; unless by the engagements which his father William late King of Scots hath entered into with us it ought to be otherwise; and this shall be left to the determination of his peers in our court.

69. All the aforesaid customs and liberties which we have granted, to be holden in our kingdom, as much as it belongs to us towards our people; all our subjects, as well clergy as laity, shall observe as far as they are concerned, towards their dependents.

 70. And

70. And whereas, for the honour of God, and the amendment of our kingdom, and for quieting the discord that has arisen between Us and our barons, we have granted all the things aforesaid; willing to render them firm and lasting, we do give and grant our subjects the following security; namely, that the barons may choose five and twenty barons of the kingdom, whom they think convenient, who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them, and by this our present Charter confirmed. So as that if we, our justiciary, our bailiffs, or any of our officers, shall in any case fail in the performance of them, towards any person; or shall break through any of these articles of peace and security, and the offence is notified to four barons, chosen out of the five and twenty afore-mentioned, the said four barons shall repair to Us, or our justiciary if we are out of the realm, and laying open the grievance, shall petition to have it redressed without delay; and if it is not redressed by Us, or, if we should chance to be out of the realm, if it is not redressed by our justiciary, within forty days, reckoning from the time it has been notified to Us, or to our justiciary

if we should be out of the realm; the four barons aforesaid shall lay the cause before the rest of the five and twenty barons; and the said five and twenty barons, together with the community of the whole kingdom, shall distrain and distress Us all the ways possible; namely, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person, and the person of our queen and children; and when it is redressed, they shall obey Us as before.

71. And any person whatsoever in the kingdom may swear that he will obey the orders of the five and twenty barons aforesaid, in the execution of the premises, and that he will distress Us, jointly with them, to the utmost of his power; and we give public and free liberty to any one that will swear to them, and never shall hinder any person from taking the same oath.

72. As for all those of our subjects, who will not, of their own accord, swear to join the five and twenty barons, in distreining and distressing us, we will issue our order to make them take the same oath, as aforesaid.

73. And

73. And if any one of the five and twenty barons dies, or goes out of the kingdom, or is hindred any other way, from putting the things aforesaid in execution, the rest of the said five and twenty barons may choose another in his room, at their discretion, who shall be sworn in like manner, as the rest.

74. In all things that are committed to the charge of these five and twenty barons, if, when they are all assembled together, they should happen to disagree about any matter; or some of them, when summoned, will not or cannot come, whatever is agreed upon, or enjoined by the major part of those who are present, shall be reputed as firm and valid, as if all the five and twenty had given their consent, and the aforesaid five and twenty shall swear, that all the premises they shall faithfully observe, and cause with all their power to be observed.

75. And we will not, by ourselves, or others, procure any thing, whereby any of these concessions and liberties be revoked, or lessened; and if any such thing be obtained, let it be null and void: neither shall we ever make use of it, either by ourselves, or any other.

76. And

76. And all the ill-will, anger, and malice, that hath arisen between us and our subjects, of the clergy and laity, from the first breaking out of the dissension between us, we do fully remit, and forgive. Moreover, all trespasses occasioned by the said dissension, from Easter in the sixteenth year of our reign, till the restoration of peace and tranquillity, we hereby entirely remit, to all, clergy as well as laity, and as far as in Us lies, do fully forgive.

77. We have moreover granted them our letters-patent testimonial of Stephen lord archbishop of Canterbury, Henry lord archbishop of Dublin, and the bishops aforesaid, as also of Master Pandulph, for the security and concessions aforesaid.

78. Wherefore we will, and firmly enjoin, that the church of England be free, and that all men in our kingdom, have and hold, all the aforesaid liberties, rights, and concessions, truly and peaceably, freely and quietly, fully and wholly, to themselves and their heirs, of Us and our heirs, in all things and places for ever, as is aforesaid.

79. It is also sworn, as well on our part, as

on

on the part of the barons, that all the things aforesaid shall faithfully and sincerely be observed.

Given under our hand in the presence of the witnesses above-named, and many others, in the Meadow called Runingmede, *between* Windelesore *and* Stanes, *the 15th day of June, in the 17th year of our reign.*

o—— So as we are first acquainted therewith, or our justiciary, if we should not be in England.

——o And in the same manner, about administering justice, deafforesting the forests, letting them continue.

—— Either in England or Wales.—

. . . For ever.—

*** There are two Copies of the above Charter in the Cottonian library, which are as old as the time of King John. One has the broad Seal, and both appear to be written by the same hand. That which hath no Seal, hath two slits at the bottom, from which, without doubt, originally hung two Seals. The words at the end of the Charter beginning with, " So," and ending with " For ever," are placed in the like manner in the original, and referred to by the same marks.

BILL OF RIGHTS.

THE

DECLARATION OF RIGHTS

OF THE

PEOPLE OF ENGLAND,

Made by the LORDS Spiritual and Temporal, and the COMMONS, assembled at Westminster, assented to and confirmed by WILLIAM, Prince of Orange, and the Princess MARY, previous to the offer made them of the Crown, by the Convention, February 13, 1689.

WHEREAS the late King James the Second, by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom; by assuming and exercising a power of dispensing with, and suspending of laws, without consent of parliament; by committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power; by issuing, and causing to be executed, a commission under the

great seal, for erecting a court called The Court of Commissioners for Ecclesiastical Causes; by levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by parliament; by raising and keeping a standing army within this kingdom in time of peace, without consent of parliament, and quartering soldiers contrary to law; by causing divers good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law; by violating the freedom of election of members to serve in parliament; by prosecutions in the Court of King's Bench for matters and causes cognizable only in parliament; and by divers other arbitrary and illegal courses. And whereas, of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders; and excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects; and excessive fines have been imposed; and illegal and cruel punishments inflicted; and several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the

the same were to be levied. All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late King James the Second having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did, by the advice of the Lords spiritual and temporal and divers principal persons of the Commons, cause letters to be written to the lords spiritual and temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque-ports, for the chusing of such persons to represent them, as were of right to be sent to parliament, to meet and sit at Westminster upon the twenty-second day of January, in the year 1689, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted. Upon which letters, elections having been accordingly made; and thereupon the Lords spiritual and temporal, and Commons, pursuant to their several letters and elections, being now assembled in a full and free representative of this nation, taking into their most

serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for vindicating and asserting their ancient rights and liberties; declare,

1. That the pretended power of suspending laws, or execution of laws, by regal authority, without consent of parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of the like nature, are illegal and pernicious.

4. That the levying of money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in any other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition

petition the king, and all commitments and prosecutions for such petitioning, are illegal.

6. That raising and keeping a standing army within the kingdom in time of peace, unless it be with the consent of parliament, is against law.

7. That the subjects which are Protestants, may have arms for their defence, suitable to their condition, and as allowed by law.

8. That elections of members of parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly empanelled and returned, and jurors which pass upon men in trials of high treason ought to be freeholders.

12. That

12. That all grants and promises of fines and forfeitures of particular persons, before conviction, are illegal and void.

13. And that, for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties. And no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example. To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence, that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties; the Lords spiritual and temporal, assembled

bled at Westminster, do resolve, That WILLIAM and MARY, Prince and Princess of Orange, be, and be declared King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess, during their lives and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by the said Prince of Orange in the names of the said Prince and Princess during their joint lives; and after their decease the said crown and royal dignity of the said kingdoms and dominions to be to the heir of the body of the said Princess; and for default of such issue, to the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of the said Prince of Orange.

And the said Lords spiritual and temporal, and commons, do pray the said Prince and Princess of Orange to accept the same accordingly. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

I, *A.B.*

I, *A. B.* do sincerely promise and swear, That I will be faithful and bear true allegiance to their majesties, King William and Queen Mary. So help me God.

I, *A. B.* do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position—That princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm.

So help me God.

FINIS.

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LETTERS

ADDRESSED TO

LORD LIVERPOOL,

AND

THE PARLIAMENT,

ON THE

PRELIMINARIES OF PEACE.

BY

LVCIUS.

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PREFACE.

The epistolary style is chosen, to avoid the necessity of following a continued train of argument. Few people can be brought to close reasoning by any device; and attention is excited more easily than kept up. If I am tedious, it is not because I am prolix, but because the natural ardour of my reader carries him before me. May I be tedious to a thousand such! There are events enough in life, without these that are passing, on which we may be cold and indifferent, formal and systematic.

LETTERS

ADDRESSED TO

LORD LIVERPOOL,

AND

THE PARLIAMENT.

Clementior certe est pastor qui lupum necat quam qui servat: rex, qui sontem carnifici tradit quam qui eripit. Si necas, unius nece innocentis multos morti eripis: sin parcis, quia et istum suâ impunitate et alios paris impunitatis spe, ad quodvis scelus patrandum audaciores facis, innocuos postea innumeros illorum manibus interficis. Nempe quosdam necare clementia est; quosdam servare, crudelitas.

Vindiciæ contra Tyrannos, Quæstio, III.

LETTER I.

I KNOW not whether your Lordship will read these letters; but I have the confidence to assert that, if you do, you may gain as much in wisdom as you expend in time. Precious and irretrievable as time is, it is better that it should be deducted, or lost, from any occupation, how-

ever active, however momentous, than that systems should be hastily adopted, or treaties signed, which may entail wars, calamities, and disgraces, both on our children and our remotest posterity.

I am conscious that the weight and value of opinions depend less on *what* is delivered than on *where;* that many things have appeared in pamphlets, and have been forgotten in a week, which, had they been uttered by a successful minister, or a clamorous leader of opposition, would have been quoted as most profound and eloquent. I wish to be estimated by no other standard than the truth of my observations, and shall be contented if it is acknowledged by honest and wise men, that I express English sentiments in English language. Nothing seems more easy, yet nothing is more rare. I never wrote a pamphlet: I belong to no party, no faction, no club, no coterie; I possess no seat in Parliament, by brevet or by purchase. I can afford to live without it; but I cannot afford that

vast accumulation of taxes which will arise from another war, if, after our experience, we conclude another probationary peace, and enter on a new course of experiments, with all our instruments unscrewed, and all our phials evaporated.

If your Lordship should not have the leisure or the inclination to peruse these letters, it may perhaps be sufficient to fulfil my hopes, if you will ask yourself the following short questions. I think you will answer them as I have done; that we shall differ only in the process of their operation on our minds, and not at all in the result.

1. Cannot we, at the present time, reduce the power of France within such limits, as may secure us from future wars against that country, and as may secure both that country and ours from perpetual privations and animosities?

2. Unless we do it now, is there the slightest probability that so favorable an opportunity will recur at any future period.

3. Is not the death, or perpetual imprisonment, of Bonaparte requisite for this end? Is it not desirable both to France and England? Has he any claim or any hold on the affections of the French or of the English?

4. If France was powerful enough, at the *accession* of Louis XIV. to conquer, in different campaigns, so many provinces, as at last, with their united strength, enabled her to menace the existence of every State in Europe, to influence every Government, and indeed, unless the *elements* had conspired against her, to subvert every one; is it not requisite, for the independence and safety of all nations, that the extent of France shall not exceed, *at farthest*, her limits at his accession?

5. If an effeminate Prince, with a churchman for a minister, could alarm and disquiet all Europe, and could seize several of her richest provinces, with hardly two-thirds of what, according to the propositions of some statesmen, is in

future to be considered as France, will not Bonaparte,

"Inured to blood, and nursed in scenes of woe,"

a defeated, it is true, but more often a fortunate General, be equally able to extend his territory, and to renew the calamities he has brought so repeatedly on Europe?

6. Has he not reduced to misery and desolation the greater part of the Continent? Has he not destroyed more than *one million of her inhabitants?* Has he not declared that the conquest of Holland is necessary to his possession of Belgium? Has he not also had the impudence to threaten that, if he could not possess, and keep possession of, England, he would, however, *make it intolerable to live in.*

7. If we forgive him the death of so many, and of our bravest men; the ruin of so many, and of our most industrious; if we make him a free present of all our contributions for the last twenty years, and of all the effects we can mortgage for the next century; if we permit him to

hold a festival of blood at our expence, whenever it pleases him to proclaim it, is it not enough? Must we add to our brutality from the ruin and extinction of our neighbours? Have we any *right* to be parties in the surrender of the Netherlands? Is it because they have always been distinguished for their Bravery, their Freedom, and their Religion, that we should deliver them up, bound hand and foot, to a Deserter, an Usurper, and an Atheist?

Was not France as happy in 1783 as in 1813? Was she not as happy with a *family* of twenty-four millions as with an *establishment* of fortune? If she was not, whether is the pride of France or the security of England the proper object for our present consideration?

9. Can we, with wisdom or with safety, leave a more numerous population on a more extended territory to France, than is possessed by any of the *adjacent* states?

My Lord, I conceive these nine main questions,

and those which spring immediately from under them, to admit no other than one and the same answer from all mankind. I sent the letters, which follow this, in which they are discussed more at large, to the Editor of the Courier, on the twentieth of October. The succession of great events, or perhaps a diversity of opinion in the Editor and his party, have prevented their publication. All the arguments occurred to me long before; but, whether to me or to others first, I cannot tell: I wish it had been to your Lordship. They have passed into the hands of some few politicians, and some few literary men, without any anxiety of mine for the praise of eloquence, of energy, or even of originality. On the contrary; I could wish nothing I have written to be considered as more than a simple, or less than a momentous truth; and I would rather that all the nation thought as I do, *before* me, and expressed its sentiments with much more vigour and animation.

Some, who have read these letters, declare that they certainly were written by an Irishman.

others fix the stigma on an inhabitant of Wales. Your Lordship will attend to neither of these judges, and will regard not the Author, but the arguments. These, I presume, bear no characteristic of the nations to which they are attributed.

A worthy man has wounded my pride a little, by ascribing my arguments to a combination of those gentlemen, whom the goodnature, the discernment, and the perseverance of Lady Holland, has at last instructed to make a distinction, in the right place, between *will* and *shall;* and who, under her tuition, have also made no inconsiderable progress in the management of a silver fork. I am informed by a servant of mine, a correspondent with one in that family, that they have not broken a plate nor overturned a tureen these last three months; and that he does not mention this from any desire to boast of his kinsmen, but to show that a good table is sure to produce good manners, and even where you would least expect them.

I say nothing of their principles, for I know

notwhat they are; but their voice is at once so feeble and so elevated, their language so sordid, and yet so ostentatious, that they remind me of whatever is most incongruous to any of the senses: of bulky animals with birds' heads, (the only remains of antiquity to which indeed they bear any resemblance) and of attar of roses from some cheap shop, refreshed and renovated by the fumes of sulphur. They are purgent; but it is the purgence that arises from the very last stage of putridity.

These are your enemies: I am not. These would be your followers: I would not. I was the first to abjure the party of the whigs, and shall be the last to abjure the principles. When the leaders had broken all their promises to the nation, had shewn their utter incapacity to manage its affairs, and their inclination to crouch before the enemy, I permitted my heart, after some struggles, to subside, and repose in the cool of this reflection. Let them escape: it is only the French nation that ever dragged such feebleness to the scaffold.

LETTER II.

WRITERS have often made a distinction, in the very midst of party zeal, between *the events of the day,* and those which, in their opinion, were more likely to interest future generations. Our age, which has abolished so many distinctions of less moment, has at last abolished this; and the events of the day, and the advantages which our statesmen may derive from them, will perhaps be of more importance to posterity, than any that have occurred in this country since the establishment of christianity.

To speculate on the future, is common to the minds of all; some confine their speculations to their own advantages, some to the prosperity or glory of their country, and others extend them to the remotest interests of mankind. Of the first it is expedient to say nothing: the latter two parties are to be commended, according to the means they adopt for the propagation of

their tenets. But some events are so stupendous, that the wise and simple, the active and indolent, men of pleasure and religious men, make the same inquiry, and almost with the same solicitude, "*What will be the result?*" Something we must have to direct us, and something to rest upon in the progress of our pursuits. Fond as every man is of indulging in conjectures, and particularly in those which he himself has raised up from the foundation, I think it safer to be guided in my opinion of what is likely to occur, by the indications of those who touch the very springs, and who regulate, as far as human power can do so, the machinery of politics. On this principle I shall examine the declaration of Lord Castlereagh; freely, as becomes an Englishman; decorously, as becomes a gentleman; and, to the best of my judgment, narrowly and intimately, as becomes a politician and a scholar. I presume then to form no opinion of my own, on the plans and intentions of our government: I mount no hippogrif, and contend with no chimera.

In the speech of Lord Castlereagh, on the

augmentation of the army from the militia, the principal expression is liable to serious misunderstanding, and not at all the less so for being *several times* repeated. I shall transcribe it as it *first* appears, from the *London Packet* of the twelfth of November; a paper, in my opinion, written with more purity, and conducted with more impartiality than any other.

"It had followed *that*, because our exertions were *limited*, *progressive*, and according to the natural powers of man, *that* we have gone on *progressively*, to successes and victories. He was satisfied that in so doing we had done well, and that the resources of the country had grown instead of being diminished; because the energies of the country had not been sacrificed by any unnatural extension of our power whatsoever."

Progression was never the result of *limitation*; but it is true enough that we have gone on *progressively*, because our exertions were *progressive*. I should rather have attributed this con-

fused and turbid sentence to a certain countryman of his, who so constantly announces in the public prints that he is coming again into office, had I not read it in a paper where the debates are given correctly, and where his Lordship's party and principles are never misrepresented. It is not, however, my intention to pry for petty faults in the language of an eloquent and able man; but I must remark that, where a man's aims or reasonings are clear and definite, his language is rarely otherwise ... The *natural powers* of man form a distant link of connexion with the subject. The first and simple meaning of the words, is the physical power of the creature man: the next is—by dropping a little our attention from the word *natural*,—the general powers which he possesses, both by the principles of his growth, and by the moral energies which he has acquired, from his situation and his exertions in society.

Instead of "the *natural* powers of *man*," his Lordship evidently means the *military* power of the *nation*.

Politicians can seldom talk like philosophers with any safety, or act like them with any success. There is a certain species, or rather a certain stage, of refinement, that rejects plain language: but the perfection of true refinement is to appreciate it justly. Upon this foundation, and upon this only, rests sovereign and consummate eloquence. The thunderbolts of Demosthenes and Pascal, men without any third in vigour and purity of expression, were not forged in the caverns of Etna, nor anvilled out by giants. Common minds, and among these are some very *learned*, wonder what there is about these writers, to strike so forcibly. The secret is this: they throw aside every thing that obstructs their force, and look steadily before they strike.

I wish to see a little more precision both in the style and in the counsels of our Parliament. There is a wide difference between the *extension* of powers and the *exertion* of them. An idler may *extend* his arms when he yawns, wider than a pugilist when he fights. It appears to me that our

power, if not too much extended, has been often *extended* in a wrong direction, and that it has not been *exerted* so constantly and regularly, as was requisite for its health and vigour. In estimating our successes, I must confess I attribute more to the climate of Russia, than to the counsels of all the cabinets in Europe. For twenty years, every one was equally swayed by blind passions and lame counsels. In all governments, and at all times, the passions both mislead and debilitate; but energy is true wisdom. It never varies in its essence; it varies in its application incessantly. It has, however, one great channel, and runs into no other until this be full. Our enemy is France. What portion of France? Her army. What raises this army; what supports it; what puts it in motion; what gives it its direction? Bonaparte. Against him, then, should all our efforts be made incessantly; even if he had committed no cruelties against our countrymen: if he had imprisoned, if he had assassinated, none of them; if Captain Wright were still living, the glory of his glorious profession; if he be

never been extended on the rack; if he had never called on his beloved country to think, amidst her victories, on his captivity, and to avenge his unmerited and cruel death. We fight against Bonaparte, and have been fighting against him, until more than one generation of warriors has passed away. Yes, we are permitted to fight, but we must not attempt to dethrone him. He calls himself sacred; we hold him so. We must not even interfere in his government, because it might irritate the French! Is this the language of the eloquent and ardent Burke? Are these the maxims of him, who is fantastically called "the great statesman now no more," "the heaven-born minister?" Prove that you believe in the divinity of his descent, by believing in the inspiration, or at least in the wisdom of his counsels. He could not do what the elements have done. He contended with the torrent of lava; you trample on the scattered cinders. The population of France is exhausted. This is the great arithmetic of politicians. Three hundred

thousand extinct, three hundred and fifty thousand prisoners, in the space of twelve months. Neither exchequer nor conscription can repair these losses. The wildernesses of a vast nation wail aloud with them: her neighbours fly from her, as under the ban of God. Yet we are to treat with *delicacy,* and approach with caution, a most insolent and ferocious band of robbers. If we really feel, or ought to feel, any respect for the French character, a character which the manly English held ever in sovereign contempt, long before its rottenness lost the varnish that covered it, if we really do however feel respect or tenderness for a people so prostituted to all the most hideous forms of tyranny, one after another, let us assist them to reassert the common dignity of our nature, and to pour their vengeance on our common enemy. If we leave him only his conquests, if we leave him as large a territory as that with which Louis XIV conquered Alsace and a part of the Netherlands, will not he reconquer whatever he has lost? Shall we again be contented with an experi-

mental peace? Shall we ever be able to make one of another kind, with a wretch so perfidious and remorseless? The million of human lives which he has sacrificed to his ambition, demand *his* life: eternal justice demands it. What! shall we fight only until he consents to exchange some stone walls for some sugar-plantations, and throws down the bag of horse-beans that he holds up against our coffee? What scoffs, what bitter scorn would Lord Chatham (no one can mistake *the* Lord Chatham I mean) pour forth against England, crouching from an elevation to which she never rose before, down to a degradation to which the united world could not reduce her! We never have compromised with crime: we never warred before against so foul and pusillanimous a criminal. Shall that contemptible faction, which could neither conduct a war, nor preserve a peace, presume to set limits to our exertions and our enthusiasm? Shall those who felt their superiority to it, in the midst of their reverses, both in abilities and in probity, contract a torpor, as they would do,

by joining hands with it? Shall they not rather pursue that policy to which they ascribe the renovation of our prosperity, and demand, as their powerful leader would have dictated, "indemnity for the past and security for the future?" If the power of France within its ancient limits, and under its most dissolute and effeminate kings, was enough to threaten and disturb the whole continent of Europe, and ultimately (as we have seen) to subjugate it, will you permit such a nation to retain an accession of strength, torn by perfidy and violence from our confederates and allies, and residing in the hands of a tyrant; who hath incessantly stalked forward from usurpation to usurpation! You shew alacrity enough in enterprises in which the people second you reluctantly. Will you shew none where the quarrel is as much theirs as yours? Is this a sufficient reason for what you are pleased to call your moderation? "We are not to meddle," my Lord Castlereagh says, "with that great and powerful country itself." Why not? Has not that great and powerful

country meddled with every other? Is she not great and powerful, because she has done so? Is it not lawful in all warfare, is it not expedient, and in our own power at present, to chastise aggressions, to avenge injuries; and is not a severe and signal retribution the surest guard against their recurrence?' I am astonished at so pacific and soft a declaration; I am in consternation at such a dereliction of duty, as indeed it appears to me, from a man so brave and honourable as Lord Castlereagh. I am certain he would encounter the danger of instant death, to rescue any utter stranger, if he beheld him exposed to such cruelties and indignities, as Bonaparte hath inflicted on many hundred thousands of the bravest and best among mankind. It is not the language of his heart; it is not the counsel of his understanding; it is not the system he will follow. If he should, the cries of millions unredressed, will sound for ever in his ears, amidst the sarcasms of that profligate and degraded crew, which no one in the gaming-house is now desperate enough to lead, and no one

the tavern is shameless enough to follow. Would it not, without all this, be enough to recollect, and receive no pleasure from, the unrivalled eloquence of his departed friend? He has long been without a competitor in the House of Commons: he is now without an opponent. The tide of popular opinion never rose higher, and never rose less tumultuously. Until the present hour, indeed, the nation was never unanimous; nor was there ever a time when the enemy hath suffered such sudden and terrible and reiterated reverses. Unless we follow him up while we can, the spirit of England will be more broken than the spirit of France. We are driven no longer to expedients or experiments. The season for diversions is over. We fight with surer weapons than finances. Refinements in policy seldom have succeeded with any people, and with us would be just as foolish as to substitute the rapier for the bayonet. Alacrity, and steadiness, and force, must do the business; a force, active, incessant, undiminished, and undivided. The further we advance, the further do we keep

the enemy from the resources of our allies, and the more is his recruiting-ground contracted. I see no reason to believe that the English of the present day would be averse from occupying the same cities and fortresses that were conquered by the Duke of Marlborough, or would think it less glorious or less just to conquer them from Bonaparte than from Louis. The reign of Queen Anne will not be looked back upon as the reign of inferiority or defeat. Even those who ultimately brought about a premature and ignoble peace, never talked of consulting "the feelings and the delicacy" of the French. Yet honorable sentiments then prevailed in France, and human society had acquired a polish and a grace, the traces of which are now to be found in only a few families. Certainly, since that epoch, civilization has been retrograde. "The vallies have been exalted, and the high places laid low," equally to the detriment of both. But only one man, in modern times, hath founded a system of government on the abolition of polished letters for the education of youth, and on

a mental no less than a bodily dependence, of all classes, on the chieftain. The young men of England are not yet instructed in these rudiments: the grammar of Attila is not taught in our schools. We remember what we were with satisfaction, and feel with exultation what we are. But the tide that carries us onward may overthrow us if we stop. We must fulfil the will of Heaven, so clearly manifested. We must restore to Holland the liberty we received from her. We must fix on an eternal basis the peace and independence of every power in Europe. He who believes in the possibility of this, without the extinction of Bonaparte, has lost his intellects, as many have done, by the sudden and overwhelming influx of good fortune. He will turn his eyes upon Experience, and drop them without hearing her voice, or recognizing her features. Such unhappy men are to be found, unquestionably; but there is not an officer of regulars, militia, or volunteers, who would not gladly fall into the rear of Prince Eugene: there is not a statesman, unless your Howicks

and Ponsonbys are called so, who would not carefully and zealously correct the blunders that crept into the Treaty of Utrecht. Shall we a second time tear the laurels from the brow of Victory, and substitute a crown of thorns? Shall we toil as heartily to raise up again the Colossus we have thrown down, as ever we toiled to demolish and subvert it? Should we not, instead of soldering it up, efface the effigy, erase the superscription, break it in pieces, throw it into the furnace, and restore it to the nations from whose tribute-money it was cast, and amidst whose curses it strided over a "*sea of troubles!*"

It is curious, that we should always put into the form of questions the things that are the least questionable. The nation is unanimous: every man cries aloud, "Let this war be the last with Bonaparte." Our manifesto ought to be simply this: *Deliver up the usurper and his usurpations; we restore to you the blessings of peace, your ancient laws and rights, and three hundred thousand of your brethren. Are they not*

worth one tyrant? the most insatiable, and the most sordid of his species!

LETTER III.

By the Roman laws, in a country where slavery was tolerated, where indeed it was a custom and an institution, and no family was without the use of it, citizens were commanded to rescue and protect a slave from the chastisement of an enraged master. According to the laws of Egypt, if any one saw a man attacked or robbed, and gave no succour, he was condemned to death.

If such attentions were considered due to slaves and strangers; if they were commanded by one nation not very humane, and by another not celebrated for its freedom, how infinitely more imperative, at the present hour, are the dictates of reason, of honour, and of policy, on

the allied sovereigns, to maintain the common rights of nations, and to assert the common dignity of man. Some monarchs have sought glory from war, some from the administration of justice, and some from the preservation of peace. But nothing that is vain can be glorious. If a war, however successful, shall have brought no accession of power or freedom, the blood expended in it will have flowed in vain. To engage in it with so futile a design, as merely to bind at last an Atheist with an oath, and an assassin with a piece of red tape, is just as foolish and as wicked, as it would be to discharge a cannon into a crowded market-place, for a jubilee, or to burn down part of a city for an illumination. No military despot, not even the one we are fighting, hath ever destroyed the commerce, or ever squandered away the lives of his subjects, so wantonly.

"In this our war, for every man who is not a Frenchman may call it *his*, all the great objects for which wars should be undertaken, mus

attained at once, or all must be abandoned for ever. If the plunderer, the perjurer, the poisoner, should, through weakness or baseness, be permitted to abscond, new wars will certainly follow, and certainly not successful ones. For people will exert no zeal in defence of those patrons who have suffered their patrimony to fall into dilapidation. The rulers of the Continent, amidst their perpetual wars, have never waged any, *in union*, for the interests of their people. Sweden, who has produced more great kings than all the nations of Europe, has called to the succession of her throne a new Gustavus Adolphus. This illustrious man will hold together the confederacy, and, together with the Emperor of Russia, will visit, with signal chastisement, the first defection. Let us see whether the people, or whether their governors, are inconstant. All the successes that have been gained in Germany arise from the profound hatred in which the French character is holden, whenever time has been allowed for its develope-

Cruelties and persecutions may be for-

given; bodily wants and sufferings may be assuaged; but fraud and fallacy, once detected, are followed with incessant and unrelenting hatred; not because they argue the depravity, but because they prove the insufficiency of those who have employed them; because they force us to acknowledge that we have been weaker than the weak, and because they have committed the most flagrant outrages on our dormant and unsuspicious self-love.

The domestic who robs a house is punished more severely than the thief who steals into it from without. Murder itself is viewed by the laws as more atrocious, and is prosecuted with a vengeance and a fury at which even war would shudder and shrink, when it is committed by that person whose affection (if institutions the most universal are founded upon reason, or if love springs from the bosom of nature) should be the most ardent and the most faithful.

Such is the delinquency of Napoleon Bonaparte;

I will not say first against Spain, but certainly there the most conspicuously; both from the manifold and vast advantages he had derived from her alliance; and from the tremendous vicissitudes of the conflict, to which that glorious nation, as became her renown and dignity, rose up against her oppressor. Such are his repeated crimes in the various states of northern Italy; to which, in the language of their poet, he made it appear that liberty, after too long an absence, had at last returned. Let it be remembered by our own country, as well as by all others, that the *independence* of the Italian states received the solemn recognition of France; and that the violation of this independence was the principal and determining motive of the war. There is a set of politicians, who talk of moderation, not only as good and laudable in itself, but as peculiarly due to the feelings of the French: and this moderation is to be exercised, it seems, by abstaining from all claims whatsoever on the restitution of their rapine and spoliations. On this principle, it was very delicate in the conventionists of Cintra, to load their ships for them

with whatever they had plundered from the Spaniards and Portuguese. Saints and coaches, and candlesticks, and crucifixes, and ear-rings, and shoe-buckles, and the miniatures that won the hearts, and the padlocks that preserved the treasury of the ladies, were boxed and nailed down, and directed, as the property of his Serene Highness the Duke of Abrantes. Private and public, and consecrated property, was not held inviolable until it was sanctified by French confiscation. Respect was not due to alliances, reverence was not due to religion; delicacy to the French superseded and suspended all other obligations. Is there not also a sort of delicacy due to the tender and the wounded conscience? Perhaps not: I may be mistaken: but here I stand firmly, and adjure the regenerators and improvers of our old English maxims, that they will not allow their susceptibility to relax the *state-morals* of their forefathers, nor hold any thing more delicate than justice.

French feelings indeed! what are they? the feelings of wolves in winter. Have not the

wretches outstripped the halloo of every tatterdemallion who has cracked his whip to the pack? You would as wisely consult the tender appetite, and as safely stroke down the soft skins, of a menagerie of tigers. They are dejected, discomfited, subdued, and scattered: for the nations have risen up against them. Let them recover their former power and posture, as they will do, if the spirit of those nations be not seconded, and if their sufferings be not redressed; let them, and you will never afterwards come forward with the prowess and the terrors which are now at your command. Your well-dressed ambassadors, and your ingenious state-papers, in which I must observe that the weakest governments and the worst causes have generally shone most, may be very much admired in the drawing-room, and at the breakfast-table; and you will have glorious opportunities of breeding up your children (I mean you who have seats in parliament) to the study of diplomacy; but you will have lost for ever that bright pre-eminence on which you stand at present, and you must prepare the means

of taxation for the support of indefinite and hopeless wars.

To abolish the power of Bonaparte, you must abolish the genius which erected that power: and how can it be done but by the extinction of the individual? We know the exhaustion of France when he assumed the reins of government. Was it ever, or can we reduce it, lower? If we can, are we certain we can reduce it to that pitch from which he cannot raise it again? No, nothing is certain but that his extinction is necessary for the repose and independence of Europe: and nothing comes nearer to certainty, than that France, the country which now suffers the most from him, will be among the most anxious and the most energetic, *if called on, and assured of help*, to dash him headlong from his elevation. Should it be otherwise, let her learn, that the Franks were not the first colony that settled on her soil, nor the most powerful, nor the most worthy.

LETTER IV.

THE Whigs, I understand, like lovers too passionate, are in a cruel dilemma between their tenderness and their ardour. Sometimes they would not press too far such a high-minded and generous people as the French: next minute they tell us that ministers are wasting our strength and money most deplorably, by their languor and delays. Will neither story do? Will nobody listen? Was ever beneficence so abused! were ever poor creatures, in the last cries and struggles of debility, so unpitied and neglected?

Honest men, I confess, have generally in the present times an aversion to the Whig faction; not because it is suitable, either to honesty or understanding, to prefer the narrow principles of the opposite party, but because in every country lax morals wish to be, and are, identified with public freedom, and because in our own a few of the very best have been found in an associa-

tion with all the very worst. This raises their indignation. They ill endure to see the liberal and ingenuous, those whose warm hearts court society, and are anxious that the world should be governed by the wisest and the most virtuous, bound by a factitious honour, in subordination to a league of six or seven families, tugging at a galley which is never to leave the shore, further than conduces to the petty traffic, or the pusillanimous recreation, of these masters.

Whenever the Tories have deviated from their tenets, they have enlarged their views, and exceeded their promises. The Whigs have always taken an inverse course. Whenever they have come into power, they have previously been obliged to shift those maxims, and to temporize with those duties, which they had not the courage either to follow or to renounce. The character of Lord Rockingham gave them a respectability, and the genius of Burke added a splendour, which have long since utterly passed away: and the nation sees at last, that nothing

is more unsound and perishable than what is founded on an oligarchy of gamesters and adventurers. Those who constituted themselves the guardians of the people's rights, have been driven from the charge of them for malversation: and, what shews how utterly they were detested and abjured, the property of Englishmen is thrown down at the mercy of people whose responsibility, they tell us plainly, lies entirely and solely among themselves; and who are watched only by a race made active from the hunger that keeps them out of doors. The leader of these, if ever they acknowledge one, is usually some young person whom good fortune alone has rendered discontented. He countenances and supports his uncourtly sycophants, with little satisfaction, and less gratitude. They discover by degrees, that he becomes the more restive the more he is patted and pampered, and that to curry him is as dangerous as to catch and halter him. He also finds, that although there is something animating in the bustle and shouts of throwing off, there is more to vex and

harass, in the spurring, and the thorns, and the mire, of the pursuit. The gentleman soon retires from public dinners; indignant that similar professions should give a similar and truly a joint claim, to some haranguing shopkeeper, on the bursts of applause, the clinking of glasses, and other regalia of equal value, which he fancied his own in perpetuity, as sovereign of the shambles. To complete his disgust, he retires at last under an unjust suspicion of altered or wavering principles. Little know the licentious crowd that never was he more out of humour with his adversaries, than for thrusting him among such friends.

These brightening and bracing days, these breezes of health and renovation, blow away all foppery, and bring the most active and certain remedy against all fastidiousness. In the perpetual effervescence of society, sometimes the crimes are uppermost, and sometimes the follies. The latter of these seasons is neither the harvest-time nor the harrowing-time of the poli-

tician, but the vintage of the moralist. He sits by himself in the chequered arbour of life: the light and luxuriant foliage flaps around him: he looks down complacently on the basin of froth beneath him: he chooses the most prominent bubble: he blows it into the air, and watches its course and colours as it rolls and rises. Some burst sooner, some later; all, however, burst; yet all afford, in their frail generations, a little pastime to the idle, a little derision to the stupid, and perhaps more than a little reflection to the considerate and wise. Every man is amused by the offspring of vanity, although no man ever acknowledged his own children by that mother. We must not indulge at present in the comedy of life, in the leisure of speculation, or even in the tranquillity of contempt. Whoever is not with us, is against us; and it is equally criminal to desert from the rear guard as from the advanced

It would be pleasant, at any other time, to observe here the spirit and energy, there the sa-

gacity and deliberation, of those, who, ashamed as they justly might be, to bear the name of Whig, renounced it for that of Foxite. If we had not witnessed the achievements of these heroes at Constantinople and Alexandria, we might form some conception of them from their speeches and their writings. Self-sufficiency hath always been insufficiency.

The last of our factions is now humbled to the dust: yet, unhappily, those who have been censured by it for doing too little, seem ready to sit down and enjoy their triumph over this charge, and resolved, at all events, not to be reviled for doing at last too much. The hand of government never was so powerful as at present; not in breaking down our laws and liberties, not in gusts of eloquence, but in the spirit of all ranks and conditions of men, against the inveterate enemy of our country. A minister in these times requires no more abilities than a market-woman. We have collected, we have disciplined, and we pay a mighty force: to render it

all efficient, and to direct it against one point, until there is nothing to resist it, or until it is driven back, is our only policy. To treat, to temporize, would be infatuation. Say only to the French, "abandon Bonaparte, restore your conquests, and peace is concluded. You proposed that the conqueror should cede nothing: we accepted the challenge, and will keep the conditions."

I see no danger in exertion: I see much, even yet, in relaxation. We must demand Bonaparte as the Romans demanded Hannibal. Indeed we must follow in more than one instance the system of that wise republic. What it was we know thoroughly: those who do not, may refer to a clear exposition of it in the commentary on the first books of Livy. We seem to reject it with as much jealousy, as we rejected the civil code of the later empire. The word system is mentioned with contempt by us: it is confounded with theory, but in fact it is the very contradistinction. In politics that is a system which *hath stood*, that is a theory which is *proposed to stand*.

Now is the time to act effectively. By the violent disruption of society, and by the levelling pressure of universal subjugation, a solidity is given to the nations of the continent; as the sands of the sea are compacted and hardened by the recent wave.

LETTER V

Lord Liverpool, in declaring that he "would not *ask* any thing from our enemies, which we ourselves in similar circumstances would refuse," at once places England in the same situation as Bonaparte hath placed France. Let us examine, by what necessity or on what principle of justice. We never have been in similar circumstances, and never can be. We never have occupied with our troops the capitals of the continent; we never have confiscated their money; we never have burned their merchandize; we never have driven the horses and oxen from their towns

and villages; we never have forced away their artisans and labourers from the loom and from the plough; we never have marched off in handcuffs their students, from the universities; we never have condemned to a cruel death those writers who gave intelligence to our disadvantage; we never have violated our treaties with their governors, nor overturned the governments at our pleasure. The conduct, mind, and temper of the two nations, are altogether so dissimilar, that it is not only puerile and trifling, but base and wicked, to imagine ourselves "in similar circumstances." Whence can such imaginations proceed, but from some latent disposition to act as France hath done; or from some admission at least that we might have acted so, or may so act hereafter?

We have the clearest right, a right unquestionable even by our enemy himself, to demand from the French people such terms as Bonaparte would have demanded from us. What they are, we know to a certainty, both from his conduct to-

ward every other nation, and from his menaces to ourselves. We know that he, like the Romans, makes every people pay the expences of his war against it: and indeed to act otherwise is folly. We know also that his wars have been unjust. If he hath extorted from others the sums necessary to subjugate them, when hostility was manifestly most iniquitous, what can be more indisputable than that we, who insist that we have both policy and equity on our side, should demand at least as much from our adversary. If we forgive the French the horrible cruelties they have both committed and excited against our neighbours and allies; if we forgive them the prohibition of our commerce and the accumulation of our taxes; if we forgive them the slaughter of two or three hundred thousand men, the ruin of triple that number, the poverty of millions, the misery and broken hearts which are equally out of sight and out of calculation; do we not forgive a great deal more than ever yet was forgiven by the victorious? a great deal more than ever was alleged as a legitimate cause of war? a

great deal more than first aroused in us such enthusiasm and unanimity against them? a great deal more than would arm us afresh for the conflict, even in the bosom of peace, even in the hour of affliction and calamity? yes, infinitely more than is sufficient to urge into resistance and rebellion, even the humblest, the meekest, the most hopeless, of the oppressed. Has Lord Liverpool ever made, or attempted to make, a calculation of the losses we alone have sustained by the war? In taxes, in debt, in privation and diminution of trade, does it not exceed one thousand millions? What profits ought one hundred thousand sailors alone to have brought to their employers in the space of twenty years? In recompence for all these, if we must forswear the practice of the Romans, and of every other great and powerful nation, and are determined to carry on our own shoulders, and to throw afterwards on the shoulders of our children, the burdens imposed on us by the vanquished, we shall require that they deliver up the rapacious and insatiable plunderer, for whose sole benefit these

wrongs and robberies were committed; and that they institute such a system of national police as will render a repetition of them impossible. Instead of rendering France a country not desirable or fit to live in, a condition to which Bonaparte declared he would reduce Great Britain, let each party keep at a peace what neither could recover by war. This is the calm proposal of our enemy, suggested as the basis of pacification. He acknowledged it fair and equitable. What was justice then, cannot be injustice now. We accept the new French measure, which he has forced into our hands, and we will fill it up even to a kiliogram.

LETTER VI.

THOSE princes who help to remove, or countenance the removal of, the landmarks to international polity, and bring their subjects into the

field under the pretext of restoring and fixing them, teach a lesson of injustice on the broad tablet of instruction now adopted so generally in this country. It is impressed by the stronger on the weaker, and is quickly taken up by all ages and conditions. Whatever king punishes a crime after pardoning those of Bonaparte, and possessing the power of avenging them, is guilty of gross injustice. He pretends to seek indemnity and security: on this pretence he calls a portion of his people from their families and occupations, and demands a contribution from the rest. All accede to his proposal, because they consider that he will lay out their money to their advantage. Those who take the field, believe that the days deducted from their labour will be compensated in the additional value of their possessions, by the stability which will have accrued to these from such exertions. If, for any accession of territory, or any other personal convenience, he shall forego the interests of his own people, and shall squander their substance and their lives, he must sacrifice by this blind ambi-

tion not only the physical but the moral power of his empire, and will probably see his new allies on a visit not of ceremony at his capital. It is easier to lose a friend than a rival: those whom he has driven to a compromise, will never be much more delicate with him, than those whom he has betrayed.

"Not only are they tyrants," says Thucydides, "who reduce others to slavery, but they also who can repress the violence and will not."

The Emperor of Germany is bound by oath to preserve the established laws under the *representative system*. "Leges latas custoditurum, publica publico consilio curaturum." He neither is anointed nor receives the sword of state, before he answers the archbishop in the affirmative to these questions. "Whether he will not defend the church? whether he will not administer justice? whether he will not protect the widow, the orphan, and all who shall deserve commiseration." (Sleidan. lib. 1. 11.) The princes

and *other* representatives of the empire make the same promise. By breaking it, they abdicate their authority. The Emperor of Germany cannot assume that dignity on the same terms as he chose to entitle himself the Emperor of Austria. Unless he both swears to do and does, what the ancient constitutions of Germany require from him, he may be and ought to be dethroned as an usurper. Europe has not shed her blood for any half dozen of her families. She hath shed it, that all her thrones may be founded on laws, and all her laws on equity: she hath shed it, that revolutions may never more be deemed glorious or desirable. What hath been forcibly taken by Bonaparte from the states and free cities of Germany, must be restored, to the value of the last farthing, else justice is not administered, else the widow, the orphan, and many thousands more who deserve commiseration, from the rapacity and ferocity of the French, will not have been avenged nor redressed. Unless this is done completely, there is no Emperor of Germany: for only on these

conditions can that eminent functionary be elected. Let those who, in the beginning of the French revolution, shewed such zeal against all innovation, shew it now, where innovation is most dangerous; let those who know the value of old customs, insist on the return of them to the palace, where old customs are most venerable. Thrones can be secure only while kingdoms are independent; for who will defend that by which he never was protected? A country is not much the dearer to me because I moisten it with the sweat of my brow, nor a sovereign because I have the honour of paying into his treasury a quarter of my possessions. I want something more and better, to excite my enthusiasm and to retain my affections. I must be certain that neither I, nor any one of my family or friends, shall be murdered, or robbed, or imprisoned, or even insulted, with impunity. Such are the oaths of sovereigns, in the presence of the Almighty, before they can officiate. He who violates his oath, breaks also the oath of allegiance to all his subjects; and he who takes not

the one, has no claim upon the other. The Emperor of Germany is restored when he has restored the constitution of Germany, and redressed her grievances. Until he hath done so, his imperial robes are a *fancy-dress*, fit only for one gala night.

LETTER VII.

Every man is looking over his map, and tracing with his pencil the boundaries of France. Some give less, and some allow more, but all are fond of *bounding*. The prettiest of these boundaries, and the most delightful to the indulgence of generosity, are the Alps, the Pyrenees, the sea, and the Rhine. Such are precisely what wise French politicians would desire for France, and what, for the same reason, a wise English politician would most strenuously contend that she never should obtain. Those who would

willingly make France so charmingly compact, bear as much hatred to the French character as any other men. To inflict a just and deadly punishment, for her manifold and most atrocious crimes, they are willing enough that such a monster as Bonaparte should be permitted to roam at large over her territories. We, however, whose eyes are unblinded by passion, must perceive that the power over *them* would extend, and, in no moderate degree, over *us*: that, by opening to Bonaparte an insurance-office against all losses in war, we leave him the option, and present to him the encouragement, to diminish our means, and to increase the pressure of our taxation. Depend upon it, he requires no *bonus* to keep us in perpetual disquiet and warfare. This system, if he retains one rood of empire, will be of equal duration with his existence. Is it possible (I appeal to every man in his senses) that Europe can enjoy security, or rest at peace one year, if three hundred thousand soldiers, now prisoners in foreign countries, are placed again under his standard? It is not wise

to say, " We have conquered them, and should conquer them again." We vanquished them, as it were, in detachments: they are the produce of successive conscriptions. Brave as are the armies of our allies, indignant as they are at injuries, and elated with success, if all these French soldiers joined their regiments at once, the united armies would be annihilated. Yet can we ever hope to see again (or, alas! much longer) such unanimity, such enthusiasm? Remember there is a Power among the rest, which will too certainly, when it has gratified its ambition, check the spirit of insurrection against France; a Power under which both liberty and genius have always languished. Her jealousy of Russia is equal to her dread of France: and with Russia she has no affinity.— For these reasons, we must instantly cease to do what we have always done hitherto. We must throw away the paddle, and hoist the sails; for we are no longer in calm water. The comfortable talk of " husbanding our resources," must be interrupted. In a little time, by the nature

of things, there must be disaffection and diffidence. Let us do every thing we propose to do, while the force is whole and together, while the spirit is one and the same. Six months of active warfare, with all our heart and all our strength, will complete the task. If we manage and modify, we may fight another twenty years, and leave off where we begun: but we must not be surprised to find at our return, as Ulysses did, that our wealth is consumed, and that our houses are occupied by the swineherd and the beggar.

LETTER VIII.

Romantic minds are now become the most reasonable. A little while ago, what sensible man cared a straw for the family of Bourbon. At present, what sensible man is there who does not cordially wish their restora-

tion? If Louis XVIII. will erect his standard in the South of France, and the Emperor of Russia will authorize him to declare that the French prisoners shall return to their country on his accession to the throne, a bloodless revolution will instantly terminate a most sanguinary war. It is only in this way that the captives can be restored to their native land with safety to the neighbouring states. Those who differ from my opinion, must allow that their release and delivery to the present Ruler, will require, at all events, an immense and ruinous armed force, to be constantly kept up, both on the frontier and in this kingdom. The Bourbons, if re-established, must conciliate the affections and obedience of their people, by taking and continuing a line of policy far different. Whether the French are likely to be more or less happy by a change, is a question, I think, easily solved, but, reasoning as politicians, quite indifferent to us. Hatred and love have no place at the signature of treaties. One only object is held worthy of consideration: the durability of advantage. Bona-

parte will exercise, and perhaps is now exercising, his usual arts of corruption. To imagine, that in such a variety of characters, there are none whom he can intimidate or seduce, would be to form such a magnificent image of human nature, as we never shall find a basis to support. What *he* can do, *we* cannot. He would not drown himself for the dominion of the ocean.—We cannot offer more than empire. There was indeed a time when the Directory was accessible to bribery, as was proved in the notorious case of the American Commissioners. But the Directors had foiled the attacks of our Minister! He would not gratify the individuals; else he might easily have negotiated the evacuation of Holland, without any expenditure of human lives, and probably with less money than supported our war-establishment one single week. The alleged and legitimate object of the war would have been attained, to the satisfaction and joy, no less of the French themselves, than of the English and of the Dutch. An event so desirable would have invested the Directory with

popularity, power, and confidence; and our minister would have kept his word, both to the nation and to the allies. But these Directors had ridiculed his financial speculations; and, what is worse, experience had shewn the justice of their ridicule: they had first held him at *arms' length;* they had afterwards thrown him into the mire: and he struck the most furiously when he had no longer an object to strike at.

We now discover that a fall of snow may do more mischief to an enemy than a fall of the funds. But this would not have done alone.—It was by pressing on every calamity, by seizing on every advantage, by allowing no respite, no parley, that aggression was turned into flight, and denunciations were lost in dismay.

LETTER IX.

BONAPARTE has declared, and published in the Moniteur, to all nations; that "*the union of Holland to France is the necessary consequence of the union of Belgium.*" And again, that "*the association of the Batavians with their brothers in Belgium, ought to be the first of their wishes, the most pressing of their wants.*"

Like the hero described by Voltaire, contrary to his intention, more ludicrously than truly:

Il "força" les Français á devenir heureux.

He has also forced on other people a great number of "pressing wants." But now, "the first of their wishes" have been amply gratified, and something from the "pressure of their wants" hath been removed, they begin to look around for what is missing, and to inquire whether this eclectic philosopher has not taken too much for his lessons. They would willingly

give him his cloak and his tablets again, for some of those trifles he has picked up in their houses. He must restore all. England has a right to retain what she won by war. But having now acknowledged Holland as her ally, she must assist her to recover what has been seized by France, and appropriated under false pretences. War, it has often been said, is a game of chance, in which the governors are the players, and the things governed are the stake. Bonaparte, with the consent and applause of all classes in France, played for the whole continent against his empire; and every Frenchman took a share in the bank. After all sorts of packing, and shuffling, and tricking, to say nothing of mixing drugs of a soporific quality in the cakes and wine, he has lost all he played for. Yet we have such respect for his dexterity, such confidence in his honour, and such veneration for his goodness of heart, that we not only think of giving him back whatever he laid down, but also a great part of what he failed to win, and what, as belonging to others, we

have no right to dispose of in any manner, without first obtaining their consent. Yet, besides all this, we sweep the board for him, lift the candlesticks, and make him a present of the card-money.

The English are the only people in the universe that ever played, voluntarily, this losing game. They sit down to it quietly, night after night, to the astonishment of their observers, the despair of their friends, and the derision of their adversaries.

LETTER X.

In giving so violent a shock to France, Europe herself must receive no gentle one. There will, probably, be yet a long vibration before there is an equilibrium. Denmark and Saxony are forfeited. These are sufficient to indemnify

the minor belligerents; and the two more powerful will be amply rewarded, by humbling the only nation, and subverting the only potentate, formidable to their greatness. The terms of peace proposed by Lord Liverpool are merely speculative, and leave him all desirable latitude of explanation. The confederates on the continent shew none of that sickly and imbecile delicacy, which is more suitable to lovers than to enemies. They will demand, in some shape or other, an equivalent for all the spoliations authorized by the French government, and all the wanton mischief committed by its armies. Unless they fulfil this duty, they will have become more criminal than Bonaparte. They will have acted against an express and formal compact with their people. He has entered into no compact with Frenchmen. His power, relative to France, is commensurate with his will: his constitution was planned by himself, without any concurrence or consultation, and presented to them under fixed bayonets. He observed to Ferdinand, the captive King of

Spain, how naturally men would avenge themselves for the homage that was exacted.

We must remember, and bear constantly in mind, that other rights and interests, besides our own, are equally to be defended. The balance of Europe must be restored and fixed. There must be an efficient counterpoise to France. If she retains a population of twenty millions, which it would be against all political precedent for conquerors to permit, the confederate States of Germany should amount to thirty millions. Twenty in one government are equal to thirty in several. He knows little of the Germans, who knows not the antipathy of every principality to its neighbour. We ought not to imagine that the House of Austria will always be friendly to their liberties. On the contrary, we must recollect that she has diminished, if not destroyed, the privileges of every nation she has governed. It required the most wanton and outrageous wrongs to incline the people of the Netherlands to the side of France;

a moral and religious race, and in all respects the opposite of the French. If Belgium, and Venice, and the Milanese, and Tuscany, and Parma, are recovered, they should be strengthened by such an accession of territory, and such confederacies, as may defend them from the collusions and compromises of Austria and France. But the power most to be strengthened is Sardinia. We are not only to provide an indemnity for the loss of dominion so many years; we are not only to give a narrow line of coast, bordering Piedmont, and an island so poor as Corsica. No; the dominions of this potentate must be made strong enough to form an eternal barrier for the defence of Italy.

Italy, who invented the balance of power, should receive the benefit of her invention. Something of this kind existed in the States of Greece. But to recover and institute it anew, is as glorious as to devise, and merits the name of invention, as much as the preserver of a state merits the title of founder or father. Ma-

chiavel, in speaking of the Italian league, says, "These potentates had two principal views: one, that no foreigner should enter Italy in arms; the other, that none of the princes, or states, should attempt an increase of territory." In reading the Italian authors, from the time of Dante to the present, one eternal tone of sorrow, mixed with indignation, murmurs in our ears, against the commotions raised, and the barbarism spread around, by foreigners. Petrarch and Michael Angelo stand only in the middle of the mournful train, and men of tempers and pursuits the most dissimilar, but united by genius and virtue, fill up the whole interval between these and Alfieri. Not only the charters of cities, but the academies of the learned, have been invaded by the "*boreal scettro.*"

The last piece of insolence a foolish tyrant can commit, is to meddle with literary associations. To alter or modify their forms, to appoint or recommend their members, is, of all presumption and usurpation, the most arrogant and intolerable.

If our statesmen had ever seen the magnificent cities of northern Italy, they could not but reflect on the causes both of their splendour and their decline. Bonaparte, the cause of more mischief and misery than any one European that ever lived, was not, however, the cause of their ruin. They lost the keystone of their greatness when they lost their independence. While they retained it, every pressure strengthened them; every shock, without it, threatens their dissolution. Among the many great blessings, which we have reason to expect at the conclusion of the war, is a confederacy of the Italian States: but unless the republicans raise up their heads again, unless the people drive all intruders from amongst them, unless Italians govern Italy, peace will return without happiness, and the arts without glory.

LETTER XI.

THE friends and supporters of every administration have constantly been charged with the propagation and patronage of arbitrary principles. A love of order, and a respect for the government of our country, are inconsistent, one would imagine, with liberal sentiments and enlightened views. At last, however, we seem to have arrived at the period, when every faction hath been convicted of unsteadiness and inconstancy, and is heartily glad of some fair excuse for ceasing to look its opponent in the face. All eyes are now turned towards a spectacle sublime and new: a spectacle in which Victory, although incessant and encreasing splendours are thrown upon her from every quarter of the horizon, claims only a subordinary station. The conjunction of all the great powers that govern the world, brought about by moral necessity, and their regular procession to the same point in the

same period, is an event which, a little while ago, no experience and no signs would have encouraged us to calculate. On seeing it before us, the first and most obvious question is, what will be the effect of this combination on the polity of Europe? This is far more important than whether an old or a new dynasty shall be established in France. Although I am of opinion that the honour of the French nation, if any honour is yet left in it, is concerned most intimately and vitally, in bringing to justice an usurper who hath subverted her laws, a murderer who hath slaughtered her citizens, and a deserter who hath abandoned her armies, *in every great defeat*, yet, as an Englishman, I am perfectly indifferent whether this military Marat die by the dagger of a Charlotte Corday, or by the axe of a Fonquier Tinville. He who places himself beyond the laws, is outlawed by his own subscription. So self-evident is this, it is rather a truism than an axiom. But it well becomes those great sovereigns, who have so often laboured in vain to establish the peace of Europe, to

consider well and maturely, whether peace *can* be lasting while France is governed by Napoleon Bonaparte: whether, in signing *any* fresh treaty for that purpose, they can receive stronger assurances of its permanency and inviolability, than they received on the signature of the first, or last, or intermediate one. The Holy Ghost has never descended in the form of a dove to the adjurations of Napoleon. It is no less impiety than folly, to call God to witness what you believe will be futile: it is, both in letter and spirit, to take his name in vain.

With us, indeed, the fruits of victory have usually been perishable in proportion to their sweetness. Our pleasure seems to have been in making the sacrifice we ought to have exacted; in laying the olive-branch under our pillows, as servant girls would do, to prolong our slumbers, or to embellish, and diversify our dreams. If generosity is due to our enemies, is it due to our enemies *only?* If Napoleon hath given us the greatest latitude for it, by detaining

our friends and relatives in France, after the most solemn assurances of their liberty and safety; if he hath courted our forbearance, or conciliated our good offices, by murdering and torturing the captains of our navy, yet something is also due towards their families. I am ashamed to acknowledge, that I know not whether Captain Wright hath left, to bemoan his captivity and cruel death, a son or brother; but what shame, what grief, what indignation should I suffer, if in another war, after the peace of another year, one of these, by the chances of battle, should fall into the hands of the tyrant, and be doomed, as he would be, to fill up that measure of solitary woes which agony shook down for his kinsman, amidst the guards we re-equipped, and upon the rack we restored, as a heir-loom of the monarchy. Is it true, or is it false, that Bonaparte has committed against every one of the allied powers, actions which, according to the laws of their country, are punishable by death? Is there any thing in his previous good conduct which could plead for favour from the most

lenient judge? Would not every one of these sovereigns condemn *capitally*, even the highest and most favoured subject, who should have committed a thousandth part of the crimes which this tyrant hath perpetrated, and threatens still to perpetrate? Are his motives irresistibly urgent? Is his authority unquestionably legitimate? Do they pardon him because he assumes their rank and station, and uses their forms and phraseology? They would unquestionably then forgive the piracies and murders, if such were committed on their subjects, of Petion or Christophe, or of any corsair on the coast of Malabar: they would excuse a villain who should have set fire to a town, because he had acted the part of Mahomet or Julius Cesar in a barn. Cannot a man be a scoundrel in a crown as well as in a red cap? Are the manners, the morals, the principles, of this fellow changed, is there even any difference in his stature or his complexion, from his assumption of power to the death of Pichegru, or from that period to the dissolution of Moreau? Do princes then tremble because his

shadow is like theirs? or, what is weaker still, do they love and cherish him, because in all his shifts and changes, from among the bundles of the stage-waggon at Marseilles to the embraces of Cambacers at the Thuilleries, he has constantly, to the utmost of his power, rendered the names of king and emperor hateful or contemptible? He never forgives, nor, conscious of his atrocities, believes that he can ever be forgiven. In this temper of mind and posture of circumstances, he flies to the oracles of Machiavel, of all oracles the least fallible, and will compromise with his enemies until he can disunite and destroy them. He has not had leisure to read much; but he has had sagacity to read and study what is most conducive to his purposes. An attentive perusal and a right understanding of two excellent books, have enabled a petty officer of artillery to confound all the wisdom and baffle all the energies of the world. The *Prince* of Machiavel and the Polybius of Folard, are the cup and wand of this Comus. A just comprehension of them will guard prudent men

against most of the errors which have been committed by the great politicians and great soldiers of our days. But arguments are not necessary to shew them in what manner this insolent and sanguinary outlaw should be treated; or in what manner he will treat those who at present *can* crush him, if they weakly or treacherously permit him to escape. Kings and statesmen will rather endure any insult, than listen to those who entreat and implore them to look into history for guides. They consider it as a relaxation to their studies, and not as a rule to their conduct. Yet every thing that *can* occur, *has* occurred. Events may receive, from the ages and countries that produce them, some slight shades of colour, some few modifications of form; but the seeds of them are imperishable, and exist throughout the world; a thousand and a thousand times have they germinated and died down again, wherever there are rival nations, wherever there are discordant interests, in short, wherever there are infirmities and wants. The wise and contemplative man, the active and energetic, will find as much as is

requisite to direct him in all political emergencies. If those have failed the most remarkably, who have left upon the memory of their countrymen the most profound impressions of their eloquence, which even the calmest sagacity cannot always distinguish from true wisdom, it was by following the passion of the moment rather than the precepts of experience; rather by attending to some whisper from an imaginary and illusory genius of their own, than observing those recorded and plain dictates, which stand eminent above the flight of time, and have been erected and emblazoned at distant intervals, by a succession of nations rouzed to activity by wars, and lighted to policy by calamities.

LETTER XII.

According to my view of the subject, the future state of Europe seems to depend entirely

on the resolutions of the allied princes, concerning the punishment of Bonaparte. If these are manly and just; if they treat him only as they would treat their own subjects, for crimes infinitely less and fewer; if they act as the servants of God and the guardians of their people; they will then, and then only will they, have secured to themselves and their posterity the peace and independence of their kingdoms. Never more will the drunkenness of an upstart and street-walking power raise itself over their courts, and throw their innermost household into confusion: never more will the dreams of overgorged democracy be interpreted as the dictates of heaven, or issued as the decrees of fate. Then will this Bonaparte, great only in the enormity of his crimes, and in the littleness of his surrounders, find one only of all his speeches in the memory of man:

"The finger of Providence was there."

Lamented and most beloved Moreau! such, such was the triumphant exclamation of this

perjurer, and atheist, at the moment when Europe was deprived of thy genius and thy virtues. Thy exile, too soon followed up by death, was occasioned by thy strenuous but ill-accorded efforts to purify the earth from his pollutions. Shall thy undeviating aims be overlooked? shall thy glorious example be forgotten? shall the hand that pressed thine in death, press with equal fervor thy exulting murderer's? Do not Heaven and earth call aloud for vengeance? do not weakness and wisdom raise the same cry to God? From the humblest toil of industry to the highest efforts of genius, the blasting hand of this incarnate pestilence hath left its visible and appalling track.

Men of literature have seldom been remiss in offering their incense to the elevated and the fortunate. A small portion of light from the object above is enough for them. But something like virtue there must be; let it be constancy, let it be fortitude, let it be generosity, let it be clemency, let it be encouragement to the pur-

suits of abstruse learning, of polished letters, of eloquence, in the cabinet, in the pulpit, in the parliament, or at the bar. Since Bonaparte hath assumed the functions of government, the very time when any thing worthy of the slightest praise would be extolled above the highest, not a notion, not a sentiment of his, appears to have been commended by the most partial of his slaves, in a manner to be remembered by the rest. The world expects with great curiosity the publication of the *erotics* of his Mameluke: I, who read little of the modern literature, and indeed too little of any, shall be contented to admire his epitaph.

LETTER XIII.

In my last letter I expressed more anxiety than hope, that the governors of the world

would consult the history of mankind, in order to judge correctly how the nations of Europe would be treated, if Bonaparte were to retain the sovereignty of France. Yet I should have been both more urgent and more explicit, if he had not several times given such illustrations and proofs, to all the powers now arranged against him, as would render any question on the subject too nugatory for even the most childish declamation. History would lead them into that chilly and awful chamber, in which, under the suspended armour, they might read their own destinies. It appears to me the extreme of folly, to think of giving up the chase, at the moment we have driven the tiger back into his lair. A curious sort of courage and generosity! admirably timed and placed! Perhaps it is thought proper to inquire first, whether he has done any harm in the country: if he has, whether he is likely to do any more, after such magnanimous shouts and sallies. It is wise, then, and considerate, to ask a sailor with a wooden leg, whether he knows what it is to be wounded; a citizen

whose house is in flames, whether he has heard of any fire in the neighbourhood: if we are circumspect and delicate, we shall certainly say to both of them—Have you lost any thing? Yes, it would be just as reasonable, as to appeal to the sovereigns of Europe on the tremendous cause of their former degradation. Look at Smolensko; look at Moscow; look at Hamburgh! Hear the threats of the impudent fugitive, in the midst of his army, against all Germans, who would rather not be Frenchmen! If this general incendiary and universal murderer is permitted to escape with impunity, the sovereigns will have little merit in preserving the minor laws, which protect one subject from another. Will they ever be able to preserve them? Will they *be* the sovereigns of the country? the protectors and avengers (for both characters are requisite to constitute a sovereign) of their people? Certainly not long: they will fall to ruin amidst the groans and execrations of kingdoms, whose noble efforts they had blasted, whose best and dearest interests they had compromised

and betrayed. It is madness to assert that the conditions of a stable peace would be accepted with more difficulty by the French senate than by the French despot, or that an unprincipled set of men, who have tossed up their caps for the leaders of every faction, would remain more constant to their master than to their principles. Their principles have given them no anxieties, and offered them no affronts: their master has shewn them, repeatedly, both his displeasure and his contempt. Secure to them their stipends, and they will gladly throw off those cumberous trappings, which they cannot so conveniently trail with them into the haunts of vulgar vice. The surrender of Napoleon will be as easily attained as the surrender of a province, or even of a fortress. Without it, many provinces, and many fortresses will afford but an inadequate compention for the expenditure and devastations of only the Russian campaign. The ruin of a yielding force is certain, if the pressure against it be undiminished and unremitted. Cæsar Borgia far excelled Bonaparte, both in military and politi-

cal science, and never betrayed in any enterprise a deficiency of that personal courage, which is punished in soldiers with death, in others with contempt. He had the advantage of high connexions, and passed every stage of his life among men who respected both his abilities and his rank. He had also taken the precaution to remove by violence those heads of parties, which might else have intercepted him in his ascent to sovereignty. Yet his fall was even more rapid than his rise.

Agathocles of Sicily seems to have been the idol of Bonaparte; but he never deserted his army in any extremity: on the contrary, he retained, by prudence and valour, the dominion he had acquired by violence and fraud; yet his power died with him.

Oliverotto Firmani was also an usurper, of more consistency, and more resources, than this Corsican, equally dexterous in treachery, and equally resolute in assassinations. He added

personal courage to military science, and never was convicted of desertion, or accused of any pusillanimity: yet he was taken prisoner, together with Vitelloccio his accomplice, and suffered death upon the gallows.

What is there, I repeat it again and again, in the character or conduct of this insolent and audacious man, that ought to exempt him from a similar punishment? Is there any crime, in public or private life, with which he has not been deeply and thoroughly contaminated? Is there a family on the Continent of Europe which has not to bemoan the effects of his rapacity? Ambition I will not call it, little as I respect what is usually and more justly termed so, and aware as I am what bitterness, dust and ashes, lie at the core of its hollow but fair-seeming fruit.

If the French people were once assured that the life of Bonaparte would be accepted as the price of peace, that price would be paid down

instantly. It is only then that they could resign, with the appearance of doing it unconstrained, the territories they have wrested from their neighbours. They would attribute to his cupidity all the losses they had sustained; and the sacrifices they should be obliged to make, they would celebrate aloud as a voluntary peace-offering to justice. Every nation has a right to demand that so atrocious a criminal should be delivered up: every nation has made such demands, both in ancient and modern times. France is neither able nor willing to refuse the summons. Insensible as she is to the value of liberty, and forgetful and unworthy of her ancient constitution, she requires a cessation from her labour, and a recovery from her disgrace. Never can she enjoy them without the death, judicial or extra-judicial, of her traiterous and turbulent usurper. 'The present French condemn, or pretend to condemn, the cruelties of Marat and Robespierre: yet the one excelled Bonaparte in knowledge, the other in eloquence; both of them excelled him in consistency, in honesty, and in

courage. Is there, however, a single man in the territory of France who does not cordially rejoice in the extinction of these wretches? And why? Because of their restless suspicion and insatiable cruelty. And, to say nothing of exactions and extortions, for the support of individual and solitary pride, is there less suspicion in the breast of this Corsican, who despises and detests the whole nation? Is there less cruelty in this Moloch, who selects his annual victims by the myriad; who consumes their youth in the vices and miseries of a prowling and felonious warfare; who has calmly delivered to the jaws of death, or broke their limbs and sinews, three hundred thousand Frenchmen within one year, and calls for another such oblation to crown it? Take the average of the last ten months, and make your calculation on the authentic reports of the allied armies, what is the result? How many fellow-creatures, how many fellow-countrymen, and fellow-soldiers, born to happiness, and torn from it at the first opening of its enjoyments, hath he deprived of life, or of all its

comforts and uses, *every minute of his waking hours!* What a scene, then, of woe and desolation is renewed by every day of his existence! How many hopes, how many virtues, are extinguished at every sun-set! How many families are made miserable, desolate, and helpless!

Sovereigns of the earth, if you prolong the existence of this miscreant, this accursed of God and man, declare at once that you have drawn the sword only to divide dominion with him; that you have brought nations to fight one against another, only that you might at last be admitted to peace and amity with him: and the blood of extinguished and of unborn generations be upon your heads! the scorn of your contemporaries, the reproaches of your posterity, and the vengeance of your Almighty Judge.

CALVUS.

LETTER XIV.

Monday, Dec. 20, 1813.

A MONTH has now elapsed since the preceding letters were written, and sent to be inserted in the *Courier*. The freedom with which I have treated all subjects and all persons, within the range of my observations, made them perhaps undesirable and unwelcome to the acute and judicious Editor. Heartily glad should I be, to have closed them with any thing rather than the *Manifesto*, which, at a distance of more than two hundred miles from the capital, came into my hands but yesterday. It appears as a declaration of the Allied Powers. It states, that "*The Powers" confirm to the French Empire in extent of territory which France, under her kings, never knew; because a valiant nation does not fall from its rank by having, in its turn, experienced reverses, in an obstinate and sanguinary contest, in which it has fought with its accustomed bravery.*

But the Allied Powers wish to be free, tranquil, and happy, themselves, &c.

Reasonings may be very weak and inconsequent, which are founded on truth and justice. But was ever reasoning more weak and more inconsequent, or founded less on truth and justice, than that France should have an *increase* of power for not having *fallen?* That she should be endowed with an accession of territory, *such as her kings never knew*, because she has experienced *reverses*; because she has been able to maintain an obstinate and *sanguinary contest?* Because the Allies *wish to be free, tranquil, and happy?* When this sanguinary contest, maintained against them by Bonaparte, as they themselves have urged repeatedly, that they might *not* be "happy, nor tranquil, nor free."

Unfortunate nations! the play-things of creatures so destitute of intellect, so destitute of recollection. Even their own eyes and ears are not their senses. They have waded through

blood, and never felt it; they have been surrounded by conflagrations, and seem to imagine it was the natural light, the wholesome fresh air of day! Surely they think, that whatever has happened, must have happened in another state of existence. Alas! it is not *their* wrongs and sufferings; it is only the wrongs and sufferings of their people. They live; they are happy; they exult in unexpected deliverance. Those whose sturdy arms delivered them, are permitted the honour of following them home, but under no assurance that their cottages, if they rebuild them, shall not be levelled to the earth again, by the same inhuman and merciless invader.

No; "a valiant nation does not fall from its rank by having, in its turn, experienced reverses." But it justly falls from it, when those reverses are occasioned by incessant breaches of faith, by a prostitution of military honour to the purposes of confiscation and rapine, by a mockery of all religion, by a disdain of all equity, by a prohibition of all the best energies, which en-

noble and exalt our nature, and, by an assumption of right, to lower and demolish the *rank* both of the allied and of the hostile. What France threatened against Russia and England, what she carried into execution against Austria, and Prussia, and Spain, not to mention some dozens of the smaller *powers*, ought now, both in justice and in prudence, to be carried into execution against France.

If we demand a just debt, contracted peaceably, shall we not demand one equally just, because it was extorted, and because it was exhorbitant? If you catch a thief who has fallen down your staircase, and has broken his bones under your plate and jewels; if you find also in his pocket the fruit of former plunder, will you humbly request him to restore one pretty pair of ear-rings? will you console him with the idea that he has not *fallen from his rank!* will you beg permission to order a hackney-coach, that he may carry off the little matter he has taken from your children and domestics? Are you

not bound by every duty of a citizen and honest man, to seize him, to deliver him up to justice, *to distribute to each individual the property of each?* Such also is the duty, the sworn duty, of all these allied powers: the subjects of those who act otherwise are absolvd from their allegiance. I know not who the persons are that assume to themselves the title of allied powers. Certain I am, that the Spanish Government breathes no such sentiments. I know personally and well some of the best and bravest of that nation: I know that even the worst and most cowardly of it, would never whine their adulation in these abject strains. Their fathers, sons, and brothers, have bled, both in the field of battle and in their houses; their sisters and daughters have been bowed to the abominations of the French. There is not a village in this country, the cradle of heroism and of glory, that has not suffered such miseries and pollutions as it would be impiety to pardon.

And who can believe that the Emperor of

Russia hath sanctioned, with his august name, this most pusillanimous and iniquitous manifesto? Equitable, humane, and enlightened; calm in the midst of danger, but alive to the sufferings of his people, he will demand a full indemnity for all their losses, a memorable, solemn, and piacular atonement for the most wanton and unprovoked aggression. Let the French carry on their heads the ashes of Smolensko and Moscow. Let him who ordered to execution the peaceable and loyal citizens of the Muscovite metropolis be conducted to the same scaffold. Robespierre, who, in comparison with this monster, was but as a kitten to a tiger, was carted and brought to justice. Let Bonaparte be, as he called himself, the God of Thunder to the Mamelukes and the Foxites; but let the sovereigns, whose dominions he hath laid waste, and whose subjects he hath slaughtered, punish his crimes, or assist in punishing them. Has he not boasted that they exist as sovereigns by his clemency and forbearance? Will he forgive any kind of humiliation? Will he forgive his de-

feats, his flight, the exposure of his perfidy, the ridicule of his weakness, both in politics and in tactics. Russia, Prussia, and Sweden, will enjoy no future opportunity of stripping him bare of power. Their armies will even again come in contact amicably; they may now break the threads of all future combinations that are likely to disturb their union. Holland, and the remaining Netherlands, that abhor *every* foreign yoke, will join their confederation. Too surely is Bonaparte now, at this instant, cementing his old alliances: too surely will the gold and the intrigues of France sow dissention in the family of European States, and nothing can keep under and consume the shoots of it but the ardour and activity of offensive war. Shall every land have endured its cruel scourge, except that, which, with inhuman delight, hath nursed her children in blood? Except that in which the beggar and the cripple talk of universal empire, and highway robbers think of retiring from the too great exertion of their public life, as professors of some college, or prefects of some department in

Germany. Some Vandamme, a compost of filth, and roguery, and impudence, may again call to his carriage Dukes and Emperors, and may chastise, with the whip, a refusal to obey. Can it be questioned? Were not even ladies menaced by *this gallant people*, as our silly declaration terms them, with such a punishment? A punishment so degrading, that neither those who receive nor those who inflict it can ever lift up their heads among the reputable.

Who, in the name of Heaven, could have composed this flimsy tissue of folly, cowardice, and falsehood? Who could have presumed to publish it first as a declaration of the allied powers? We have authentic declarations in which every sentiment is contradicted. What officious creature, half minister, half journalist, has broken the joints of logic to compose this precious amulet? Let him wear it for his pains.

Limus ut hic durescit,

He will only be looked at to be laughed at.

Other fabulists have given to birds the feelings and language of men: he has attributed to men the natural sentiments of birds—"Do not try to catch me; I know you cannot; but attempting it frightens me." Thus irresolute and timid does he represent the rulers of the world, before a vanquished and flying enemy! For what purpose then were issued those animating proclamations of the Russians? Men who unite like Athenians; fight like Romans; and feel like Englishmen. Have the Germans risen in arms for the parade? Is no vengeance to be taken for the cruelties they have suffered? Shall not even their contributions and confiscations be restored? No: on the contrary, the enemy is promised power enough (and who can question his inclination?) to extort them tenfold at his leisure. Bonaparte, it seems, is no longer an insatiable plunderer, a shameless liar, a scoffing Atheist, a merciless assassin. His faults are venial: at present they have cost humanity only one million of human lives: some say more: add then eighty or a hundred thousand. When

only half the number had been sacrificed to his rage and avarice, the nations rose against him: pusillanimous princes, reduced to the condition of recruiting sergeants, declared his cane intolerable, and broke the drum. In shaking off his yoke, the other half million has fallen. It is only within these few days that his perfidy is turned into passable good faith: it is only when he *can* be punished, that he must not. Surely it was unnecessary for his expiation, that so much blood should have been demanded from their subjects. What streams, and from what distant sources, have flowed for the cleansing of that scurvy leper! If impunity were the extinction of wickedness, even then, so awful a diminution of the human race, such a loss of civilization, of social comfort, of mere competency, such a concourse of mourners, day after day, for years together, in every town and hamlet, such expressions of woe in all languages and all places, wherever man's voice hath been heard, would loudly demand the life of Bonaparte: but impunity is the certain and swift forerunner of fresh

calamity and aggravated revenge. At every tribunal, whether the appeal be to the gown or to the sword, every crime should receive its punishment. If you punish all, you will punish the fewer. Pardon one in twenty, and you will be under the necessity of punishing twice the number that you would if no offences were remitted.

Bently, a man hardly more remarkable as a profound scholar, than for the acuteness of his mind, to whatever he applied it, argues that men distinguished for assiduity, birth, and fortune, frequently enter on such a course of studies as befits them for the church, from considering the great prizes, of bishoprics and archbishopries, in our ecclesiastical establishment. Although few can attain them, no man imagines them above his reach. In most temptations we overlook the chances against us, and calculate on those in our favour. Bonaparte is justified in renewing the war when he can, if he is permitted to declare it with impunity when he chuses.

The allied powers assure him that, whatever he does, he never shall be a loser: that the utmost they require from him, is the territory he has *conquered;* not the surrender of those means which have *enabled* him to conquer. They will *treat* with him about the recovery of what he hath stolen: they will perhaps go so far as to insist on blowing out the dark lantern: but they leave him his phosphoric match, his whole bunch of pick-lock keys, his iron crow, his pistol and his dagger: they release all his gang. It is easy to foresee what will be the consequence, to them and the community.

A loss of territory is not the greatest loss, even to the prince. The writer of the pretended *manifesto*, which I have taken the trouble to quote, argues, or talks rather, as if the sacrifice of the brave, the massacre of the inoffensive, the conflagration of farms and villages, and cities, and provinces, the misery of nations, the despair of mankind, were nothing in the estimation of these *allied powers*. Whoever wrote such a silly

and worthless paper, is unfit not only for the exercise of any political function, but for the discussion of the least important question, that ever occupied the reasoning faculties of man. Let him teach children their catechism, for he has patience enough who can bear what this creature bears, and, if he believes that Bonaparte will not profit by such simplicity, nobody can doubt his capacity for a creed. But let not his apathy be attributed to sovereigns: let them not, by the suggestion or representation of such weak wretches, be accused of utter indifference to the welfare of their subjects, nor be left exposed to the vengeance of the enemy they have pardoned, by the armies whose honour they have insulted, and by the nations whose safety they have betrayed. I detest and abhor an insurrection: but it would be sacred against men so unworthy of their trust.

The allied powers must disclaim this paper, or must cancel all their former manifestos. The English can never sanction it. We fight for security—put indemnity and glory out of sight.—

Our security will not allow us to give *the French empire an extent of territory which her kings never knew.* We have been fighting seven hundred years, with few and narrow intervals of peace. For what? To diminish this territory. It was the policy of all tempers and all times. The French were constantly held too powerful. Her kings possessed a kingdom too large and populous for the safety of England: yet sometimes the neighbouring states, and sometimes provinces almost independent, in the very heart of the kingdom, rendered their power infinitely less injurious than it would be, if reduced within the same limits as at the *accession* of Louis XIV. The population of France would even then be greater than that of Great Britain and Ireland, and more united in locality, in manners, and in religion. A turbulent and ferocious people will for many generations require much vigilance, will often thwart our policy, and not seldom divide our attention with our enemy.

I would not undervalue the abilities of Lord

Castlereagh and Lord Liverpool: I believe them to be great, and what is more, of the kind best suited to the present times. But I do not see any reason to think these ministers wiser than Sunderland, Somers, Godolphin, and Marlborough; the opinion of which illustrious men was, that, when we laboured under the pressure of debt, when America was ours, and could not act against us, when France was deprived of many strong places, when her power was less *than her king had known it*, she still was too powerful for the prosperity and peace of England.

If it be possible that, corruption at the foot and infatuation at the head of the confederated thrones, the princes of the continent should seriously think of leaving France more powerful than at the accession of Louis XIV, enjoying strength enough to make progressively those stupendous conquests, which have eternally menaced, and at last have almost overthrown them, the Allied Powers, as they are called, will pre-

sently be separated, scattered, and extinguished. The liberties of Europe, such as they are, will sink into the same abyss. But she will look down contemptuously on her base deserters, her unworthy lords, and beholding the servile condition to which they will have reduced themselves, she, like the heroic Scald, will laugh at her dissolution.

THE END.

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THE

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AS SHEWN

IN THE PRELIMINARY ADDRESS TO
THE PENSYLVANIA ALMANACK,

INTITLED

"*POOR RICHARD IMPROVED,*

For the Year 1758."

WRITTEN BY

DR. BENJAMIN FRANKLIN.

1814.

THE

WAY TO WEALTH.

I HAVE heard, that nothing gives an author so much pleasure as to find his works respectfully quoted by other learned authors. This pleasure I have seldom enjoyed; for though I have been, if I may say it without vanity, an eminent author (of almanacks) annually now a full quarter of a century, my brother authors in the same way (for what reason I know not) have ever been very sparing of their applauses; and no other author has taken the least notice of me; so that, did not my writings produce me some solid pudding, the great deficiency of praise would have quite discouraged me.

I concluded, at length, that the people were the best judges of my merit, for they buy my works, and besides, in my rambles, where I am not personally known, I have frequently heard one or other of my adages repeated, with "as poor Richard says" at the end on't. This gave me some satisfaction; as it shewed not only that my instructions were regarded, but discovered likewise some respect for my authority: and I own, that to encourage the practice of remembering and repeating those wise sentences, I have sometimes quoted myself with great gravity.

Judge then how much I have been gratified by an incident I am going to relate to you. I stopped my horse lately where a number of people were collected at an auction of merchant's goods. The hour of sale not being come, they were conversing on the badness of the times; and one of the company called to a plain, clean, old man, with white locks, 'Pray, father Abraham, what think you of the times? Will not these heavy taxes quite ruin the country? How shall we be ever able to pay them? What would you advise us to?' Father Abraham stood up and replied, 'If you'd have my advice, I'll give it to you in short; for "a word to the wise is enough: and many words would not fill a bushel," as poor Richard says.' They joined in desiring him to speak his mind: and, gathering round him, he proceeded as follows:

'Friends,' said he, 'and neighbours, the taxes are indeed very heavy; and if those laid on by the government were the only ones we had to pay we might more easily discharge them; but we have many others, and much more grievous to some of us. We are taxed twice as much by our idleness, three times as much by our pride, and four times as much by our folly; and from these taxes the commissioners cannot ease or deliver us, by allowing an abatement. However, let us hearken to good advice, and something may be done for us; "God helps them that help themselves," as poor Richard says in his Almanack.

'It would be thought a hard government that should tax its people one-tenth part of their time, to be employed in its service; but idleness taxes many of us much more if we reckon all that is spent in absolute sloth or doing of nothing, with that which is spent in idle employments or amusements which amount to nothing. Sloth, by bringing on diseases, absolutely shortens life. "Sloth, like rust, consumes faster than labour wears, while the key used is always bright," as poor Richard says. "But dost thou love life? then do not squander time, for that is the stuff life is made of," as poor Richard says. How much more than is necessary do we spend in sleep! forgetting "that the sleeping fox catches no poultry, and that there will be sleeping enough in the grave," as poor Richard says. "If time be of all things the most precious, wasting time must be (as poor Richard says) the greatest prodigality;" since as he elsewhere tells us, "Lost time is never found again; and what we call time enough, always proves little enough." Let us then be up and doing, and doing to the purpose; so by diligence we shall do more with less perplexity. "Sloth makes all things difficult, but industry all easy," as poor Richard says; and, "he who rises late, must trot all day, and will scarcely overtake his business at night; while laziness travels so slowly that poverty soon overtakes him," as we read in poor Richard; who adds, "Drive thy business; let not thy business drive thee," and, "early to bed, and early to rise, makes a man healthy, wealthy, and wise."

So what signifies wishing and hoping for better times? we may make these times better if we bestir ourselves. "Industry needs not wish," as poor Richard says; and, "he who lives on hope, will die fasting." "There are no gains without pains; then help hands, for I have no lands; or if I have, they are smartly taxed;" and (as poor Richard likewise observes,) "He that hath a trade hath an estate; and he that hath a calling hath an office of profit and honour;" but then the trade must be worked at, and the calling well followed, or neither the estate nor the office will enable us to pay our taxes. If we be industrious we shall never starve; for, as poor Richard says, "At the working-man's house hunger looks in, but dares not enter." Nor will the bailiff or the constable enter, for, "Industry pays debts, while despair encreases them," says poor Richard. What tho' you have found no treasure, nor has any rich relation left you a legacy, "Diligence is the mother of good luck," as poor Richard says; and, "God gives all things to industry; then plough deep while sluggards sleep, and you will have corn to sell and to keep," says poor Dick. Work while it is called to-day; for you know not how much you may be hindered to-morrow; which makes poor Richard say, "One to-day is worth two to-morrows;" and further, "have you something to do to-morrow, do it to-day." "If you were a servant, would you not be ashamed that a good master should catch you idle? are you then your own master? be ashamed to catch yourself idle," as poor

Dick says. When there is so much to be done for yourself, your family, your country, and your gracious king, be up by peep of day; "let not the sun look down, and say inglorious here he lies!" handle your tools without mittens; remember, that "the cat in gloves catches no mice," as poor Richard says. It is true, there is much to be done, and perhaps you are weak handed; but stick to it steadily, and you will see great effects; for, "constant dropping wears away stones, and by diligence and patience the mouse ate in two the cable; and light strokes fell great oaks," as poor Richard says in his Almanack, the year I cannot just now remember.

Methinks I hear some of you say, "must a man afford himself no leisure;"—I will tell thee, my friend what poor Richard says: "Employ thy time well, if thou meanest to gain leisure; and since thou art not sure of a minute, throw not away an hour." Leisure is time for doing something useful; this leisure the diligent man will obtain, but the lazy man never; so that, as poor Richard says, "A life of leisure and a life of laziness are two things." Do you imagine that sloth will afford you more comfort than labour? no; for, as poor Richard says, "Troubles spring from idleness, and grievous toil from needless ease; many without labour would live by their wits only; but they break for want of stock:" whereas industry gives comfort, and plenty, and respect. "Fly pleasures, and they will follow you; the diligent spinner has a large shift; and,

now I have a sheep and a cow, every body bids me good morrow;" all which is well said by poor Richard.

But with our industry, we must likewise be steady, settled, and careful and oversee our own affairs with our own eyes, and not trust too much to others; for, as poor Richard says,

"I never saw an oft removed tree,
Nor yet an oft removed family,
That throve so well as those that settled be."

And again, "Three removes are as bad as a fire;" and again, "Keep thy shop, and thy shop will keep thee;" and again, "If you would have your business done, go; if not, send," And again,

"He who by the plough would thrive,
Himself must either hold or drive."

And again, "The eye of the master will do more work than both his hands;" and again, "Want of care does more damage than want of knowledge;" and again, "Not to oversee workmen, is to leave them your purse open." Trusting too much to others' care, is the ruin of many: for, as the Almanack says, "In the affairs of the world, men are saved not by faith, but by the want of it;" but a man's own care is profitable; for, saith poor Dick, "Learning is to the studious, and riches to the careful, as well as power to the bold, and heaven to the virtuous. And further, "If you would have a faithful servant, and one that you like, serve yourself." And again, he adviseth to circumspection and care, even

in the smallest matters, because "sometimes a little neglect may breed great mischief;" adding, "for want of a nail the shoe was lost; for want of a shoe the horse was lost; and for want of a horse the rider was lost;" being overtaken and slain by the enemy, all for want of care about a horse-shoe nail.

'So much for industry, my friends, and attention to one's own business; but to these we must add frugality, if we would make our industry more certainly successful. A man may, if he knows not how to save as he gets, "keep his nose all his life to the grindstone, and die not worth a groat at last." "A fat kitchen makes a lean will," as poor Richard says; and,

> "Many estates are spent in the getting,
> Since women for tea, forsook spinning and knitting;
> And men for punch, forsook hewing and splitting."

"If you would be wealthy," says he, in another Almanack, "think of saving, as well as of getting; the Indies have not made Spain rich, because her outgoings are greater than her incomings."

'Away then with your expensive follies, and you will not have much cause to complain of hard times, heavy taxes, and chargable families; for, as poor Dick says,

> "Women and wine, game and deceit
> Make the wealth small, and the want great."

And further, "What maintains one vice would bring up two children." You may

think, perhaps, that a little tea, or a little punch now and then, diet a little more costly, clothes a little finer, and a little entertainment now and then, can be no great matter; but remember what poor Richard says, "Many a little makes a meikle;" and further, "Beware of little expenses; a small leak will sink a great ship;" and again, "Who dainties love, shall beggars prove;" and moreover, "Fool make feasts, and wise men eat them."

"Here you are all got together at this sale of fineries and nicknacks. You call them *goods*; but if you do not take care, they will prove *evils* to some of you. You expect they will be sold cheap, and perhaps they may for less than they cost; but if you have no occasion for them, they must be dear to you. Remember what poor Richard says, "Buy what thou hast no need of, and ere long thou shalt sell thy necessaries." And again, "At a great pennyworth, pause awhile." He means, that perhaps the cheapness is apparent only, and not real; or the bargain, by straitening thee in thy business, may do thee more harm than good. For in another place he says, "Many have been ruined by buying good pennyworths." Again poor Richard says, "It is foolish to lay out money in a purchase of repentance;" and yet this folly is practised every day at auctions, for want of minding the Almanack. "Wise men (as poor Dick says) learn by others harms, fools scarcely by their own; but hap-

py are they who learn prudence by the misfortunes of others." Many a one, for the sake of finery on the back have gone with a hungry belly, and half starved their families; "silks and sattins, scarlets and velvets (as poor Richard says) put out the kitchen fire." These are not the necessaries of life; they can scarcely be called the conveniencies; and yet only because they look pretty, how many want to have them? The artificial wants of mankind thus become more numerous than the natural; and as poor Dick says, "For one poor person there are a hundred indigent." By these and other extravagancies, the genteel are reduced to poverty, and forced to borrow of those whom they formerly despised, but who, through industry and frugality, have maintained their standing; in which case it appears plainly, "A ploughman on his legs is higher than a gentleman on his knees," as poor Richard says. Perhaps they have had a small estate left them, which they knew not the getting of; they think "It is day, and never will be night;" that a little to be spent out of so much, is not worth heeding; "A child and a fool (as poor Richard says) imagine twenty shillings and twenty years can never be spent; but always by taking out of the meal-tub, and never putting in, you soon come to the bottom; then, as poor Dick says, "When the well is dry, they know the worth of water." But this they might have known before, if they had taken his advice; "If

you would know the value of money, go and try to borrow some; for he who goes a borrowing goes a sorrowing; and indeed so does he who lends to such people, when he goes to get it again." Poor Dick farther advises, and says,

"Fond pride of dress is sure a very curse,
Ere fancy you consult, consult your purse."

And again, "Pride is as loud a beggar as Want, and great deal more saucy." When you have bought one fine thing, you must buy ten more, that your appearance may be all of a piece; but poor Dick says, "It is easier to suppress the first desire, than to satisfy all that follow it." And it is as truly folly for the poor to ape the rich, as for the frog to swell in order to equal the ox.

"Vessels large may venture more,
But little boats should keep near shore."

'Tis, however, a folly soon punished; for "Pride that dines on vanity, sups on contempt," as poor Richard says. And in another place, "Pride breakfasted with Plenty, dined with Poverty, and supped with Infamy." And, after all, what use is this pride of appearance, for which so much is risked, so much suffered? It cannot promote health, or ease pain, it makes no increase of merit in the person; it creates envy; it hastens misfortune.

"What is a butterfly; at best
He's but a caterpillar drest;
The gaudy fop's his picture just,"

as poor Richard says.

"But what madness must it be to run in debt for these superfluities! We are offered by the terms of this sale six months' credit; and that perhaps has induced some of us to attend it, because we cannot spare the ready money, and hope to be fine now without it. But, ah! think what you do when you run in debt. You give to another power over your liberty. If you cannot pay at the time, you will be ashamed to see your creditor: you will be in fear when you speak to him; you will make poor, pitiful, sneaking excuses, and, by degrees, come to lose your veracity, and sink into base downright lying; for, as poor Richard says, "The second vice is lying, the first is running in debt." And again, to the same purpose, "Lying rides upon Debt's back, whereas a free-born Englishman ought not to be ashamed nor afraid to see or speak to any man living." But Poverty often deprives a man of all spirit and virtue; "It is hard for an empty bag to stand upright; as poor Richard truly says. What would you think of that prince, or that government, who should issue an edict, forbidding you to dress like a gentleman or gentlewoman, on pain of imprisonment or servitude? Would you not say, that you were free, have a right to dress as you please and that such an edict would be a breach of your privileges, and such a government tyrannical? and yet you are about to put yourself under that tyranny when you run in debt for such dress! Your creditor has authority, at his pleasure, to deprive you of

your liberty, by confining you in jail for life, or by selling you for a servant, if you should not be able to pay him. When you have got your bargain, you may, perhaps, think little of payment: but "Creditors (poor Richard tells us) have better memories than debtors;" and in another place he says, "Creditors are a superstitious sect, great observers of set days and times." The day comes round before you are aware, and the demand is made before you are prepared to satisfy it. Or if you bear your debt in mind, the term which at first seemed so long will, as it lessens, appear extremely short. Time will seem to have added wings to his heels as well as his shoulders. "Those have a short Lent (says poor Richard) who owe money to be paid at Easter." Then since, as he says, "The borrower is a slave to the lender, and the debtor to the creditor; disdain the chain, preserve your freedom, and maintain your independency: be industrious and free; be frugal and free. At present, perhaps, you may think yourselves in thriving circumstances, and that you can bear a little extravagance without injury; but,

> "For age and want save while you may,
> No morning sun lasts a whole day,"

as poor Richard says. Gain may be temporary and uncertain; but ever, while you live, expense is constant and certain: and, "It is easier to build two chimneys, than to keep one in fuel," as poor Richard says. So "Rather go to bed supperless than rise in debt."

"Get what you can, and what you get hold,
'Tis the stone that will turn lead into gold,"

as poor Richard says. And when you have obtained the philosopher's stone, surely you will no longer complain of bad times, or the difficulty of paying taxes.

This doctrine, my friends, is reasonable and wise: but, after all, do not depend too much on your own industry and frugality, and prudence, though excellent things; for they may be blasted without the blessing of Heaven; and therefore ask that blessing humbly, and be not uncharitable to those who at present seem to want it, but comfort and help them. Remember Job suffered and was afterwards prosperous.

'And now, to conclude, "Experience keeps a dear school; but fools will learn in no other, and scarcely in that; for it is true we may give advice but we cannot give conduct," as poor Richard says. However, remember this, "They that will not be counselled, cannot be helped," as poor Richard says; and further, "That if you will not hear Reason, she will surely rap your knuckles."

Thus the old gentleman ended his harang[illegible] The people heard it, and approved the doctrine, and immediately practised the contrary, just as if it had been a common sermon; for the auction opened, and they began to buy extravagantly, notwithstanding all his cautions, and their own fear of taxes.

I found the good man had thoroughly studied my Almanacks, and digested all I had dropped on those topics, during the course of twenty-five years. The frequent mention he made of me must have tired any one else; but my vanity was wonderfully delighted with it, though I was conscious that not a tenth part of the wisdom was my own, which he ascribed to me, but rather the gleanings which I had made of the sense of all ages and nations. However, I resolved to be the better for the echo of it; and though I had at first determined to buy stuff for a new coat, I went away resolved to wear my old one a little longer. Reader, if thou wilt do the same, thy profit will be as great as mine.

I am, as ever, thine to serve thee,

RICHARD SAUNDERS.

Dr. Franklin, wishing to collect into one piece all the sayings upon the above subjects, which he had dropped in the course of publishing the Almanack, called *Poor Richard*, introduced *Father Abraham* for this purpose. Hence it is, that Poor Richard is so often quoted, and that in the present title he is said to be *improved*—Notwithstanding the stroke of humour in the concluding paragraph of his address, Poor Richard [Saunders] and Father Abraham have proved in America, that they are no *common* preachers. And, shall we, brother Englishmen, refuse good sense and saving knowledge, because it comes from the other side of the water?

OF THE

PROCEEDINGS

ON

AN INFORMATION FILED EX OFFICIO,

His Majesty's Attorney General,

AGAINST

JOHN HUNT, AND LEIGH HUNT,

PROPRIETORS OF

THE EXAMINER,

FOR PUBLISHING AN ARTICLE ON MILITARY PUNISHMENT, WHICH ORIGINALLY APPEARED IN

Drakard's Stamford News

TRIED

IN THE COURT OF KING'S BENCH AT WESTMINSTER,

On Friday, February 22, 1811,

BEFORE

The Right Honourable Lord ELLENBOROUGH,

Chief Justice, &c.

AND A SPECIAL JURY.

"The PERPETUAL RECURRENCE to the infliction of Infamy on a "Soldier, by the punishment of FLOGGING, is one of the most "mistaken modes for enforcing discipline which can be conceived."
The Hon. Brigadier-General Stewart.

Stamford:

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1811.

TRIAL.

IN THE KING'S BENCH.

THE KING

AGAINST

JOHN HUNT, AND JOHN LEIGH HUNT.

REPORT of the Proceedings upon this Information, tried in the Court of KING'S BENCH, at Westminster, on Friday the 22d of February, 1811, before the Right Honourable LORD ELLENBOROUGH, Chief Justice, and a Special Jury.

[Upon calling over the names of the Special Jury, only two appeared out of the whole Pannel.]

Attorney General—I pray a *tales*.

The Common Pannel was then called, and the names of the Jurors to try the Information, were as follow:

SPECIAL JURY.

1. SAMUEL BISHOP, of Upper Grafton-street, Esq.
2. GEORGE BAXTER, of Church Terrace, Esq.

TALES PURSUANT, &c.

3. ROBERT MAYNARD, of Glasshouse-street, Oilman
4. WALTER ROW, of Great Marlborough-street, Stationer
5. RICHARD BOLTON, of Silver-street, Porkman
6. JOHN ROTTON, of Vigo-lane, Cutler
7. HENRY PERKINS, of Great Marlborough-street, Grocer
8. WILLIAM LONSDALE, of Broad-street, Cabinet-maker
9. JOHN SEABROOK, of Rupert-street, Cook
10. THOMAS RIXON, of Carnaby-street, Victualler
11. JOHN NUNN, of Great Crown-court, Victualler
12. DAVID MILLAR, of Carnaby-market North, Baker

MR. RICHARDSON.

May it please your Lordship, Gentlemen of the Jury:—

This is an Information, exhibited by his Majesty's Attorney General, against the defendants, John Hunt and Leigh Hunt, charging them with having printed and published a seditious libel. The Defendants have pleaded that they are Not Guilty, which you are to try.

Mr. Attorney General—May it please your Lordship, Gentlemen of the Jury:—I have thought it incumbent on me to prosecute the Defendants for the publication of the libel which will be proved before you this day. The tendency of the libel is to create disaffection in the minds of the soldiers composing the armies of this country; to represent to them, that they are treated with improper and excessive severity, and to represent to them, what is still more mischievous, that the treatment of the French soldiers, under Buonaparté, and the means used to oblige them to undertake the military service in France, are preferable to those which are made use of in Great Britain, towards the soldiers of our army. The effect of this is obvious: it tends to raise a discontent and disaffection in the minds of the soldiers themselves; it tends to disincline others from entering into the service. If that effect was to be produced, how fatal the consequences must be to the very existence of the country, it is unnecessary for me to state. Gentlemen, as the publishers of this libel have chosen to select for their subject, or rather for their motto, that which they suppose me to have said, when I was addressing a jury upon a similar occasion, it is necessary I should give you some explanation of the circumstances under which that sentence the Defendants have chosen for their motto, was spoken by me. The words with which they commence their publication are these: "The aggressors were not dealt with as Buonaparté would "have treated his refractory troops.—*Speech of the At-* "*torney General.*" I must let you know on what occasion that observation was made by me; it became my duty to

prosecute a person of the name of Wm. Cobbett, for a libel of the same description as the one which is now submitted to your consideration: in that libel Mr. Cobbett had animadverted on the conduct of the military in the Isle of Ely towards certain persons belonging to the Local Militia, who were charged with mutiny. He took his account of the transaction from a newspaper published in London, and with that he opened his subject: it professed to give an account of the mutiny, and of the means used to suppress it: it stated the circumstance of calling in other military force to suppress the mutiny; that it was suppressed; that a court-martial was held on the offenders, and that they were sentenced to receive a punishment, part of which was inflicted, and part spared, or remitted. Having chosen this for his subject, the Defendant in that case animadverted with extreme severity on the conduct of those who had undertaken, and successfully undertaken, to suppress this mutiny, and to inflict the necessary degree of punishment on the guilty parties. A part of the sentence was corporal punishment. He insulted the people of Ely for suffering such a thing to pass in their presence. He took occasion, and it is to this I beg your attention, for it is connected with the present subject—he took occasion to speak of the manner in which Buonaparté was supposed to recruit his army, and he proceeded to taunt and revile those who reflected on the means used by Buonaparté, stating that the same discipline existed with respect to the British soldiers, and that it was therefore ridiculous to animadvert on the severity exercised by Buonaparté towards his soldiers, when the same system of discipline and severity was resorted to in this country with regard to our soldiers—evidently meaning to insinuate, and actually stating to the public, that the means used to recruit the British army were as bad or worse than those used to recruit the French army. In observing on this libel, and in observing also, that after the sentence passed on these men, who, disregarding all military subordination, had risen

on their officers—after observing upon these circumstances, and stating that part of the sentence was remitted, I suppose I did say that "The aggressors were not dealt with as Buonaparté would have treated his refractory troops." That I repeat; for I have no doubt they would have been treated with much greater severity, and that they would not have escaped with their lives.

Mr. Cobbett having been convicted of that libel, the publishers of the present libel take up the subject; and as Mr. Cobbett from a newspaper took up an account of a particular transaction in the Isle of Ely, so these publishers collect from all the newspapers they can find, accounts of the different punishments in the army, and having collected them, they present them in a mass, aggravating the manner in which these punishments were inflicted, and evidently endeavouring, by the mode in which they represent them, to inflame the minds of the soldiers against that code of laws which must be enforced while we have a hope of maintaining discipline; to render them disaffected to the service, and to subject the public to those calamities which must follow, if that effect was once produced.

In all countries where it is necessary armies should be supported, it is absolutely imperious and indispensable that they should be governed by laws not applicable to the general state of the community. It is fit that obedience should be enforced in all stations of life: servants should be obedient to their masters, children to their parents; and in all well-ordered societies there ought to exist regulations which will enforce those duties: if, however, your regulations in these instances, should fall short, the consequences, though they are sad and painful to reflect upon, are not fatal to the public peace; they end in themselves; although in the particular family in which the subordination is destroyed, a corresponding degree of insubordination is produced, and much unhappiness ensues. But with respect to the military part of the community, if once

the code of laws you have established, and the mode in which you execute those laws, be found insufficient to keep them within the due bounds of obedience to their superiors; if once they are let loose, I have said before, that it is unnecessary to point out the mischiefs that must inevitably follow, not only as they go to the destruction of the Army itself, but as carrying along with them the downfall and destruction of the whole State. It is, I repeat, unnecessary for me to point out the dreadful consequences of such a calamity. Gentlemen, I say this libel has the immediate tendency to produce the evils to which I am adverting; for what can tend more directly to promote that end, than by representing to those who must live subject to the military code of laws, that it is a cruel and oppressive code, and that it is administered with an unnecessary degree of cruelty and severity? Can that be exceeded? Yes it can: while you have such an enemy to deal with as the one you have, and while your army is necessarily opposed to that enemy, the mischief of such a publication would be greatly increased, if, in addition to aggravating the supposed hardships of the British army, they are brought into comparison with the system adopted in the French army, and the preference is given to that of the French army; and yet this is not done obliquely, but directly and avowedly, by the libel now before you. Having thus pointed out the principles which are applicable to this case, and which I am persuaded will decide your judgment upon it, I shall proceed to state the libel itself. It begins: "ONE THOUSAND lashes! from the "*Stamford News*. The aggressors were not dealt with as "Buonaparté would have treated his refractory troops. "Speech of the *Attorney General*." This I take to be a continuation of the libel to which that part of my speech was addressed. "Corporal Curtis was sentenced to receive one "thousand lashes, but, after receiving two hundred, was, on "his own petition, permitted to volunteer into a regiment "on foreign service.—William Clifford, a private in the 7th

" Royal Veteran Battalion, was lately sentenced to receive " one thousand lashes for repeatedly striking and kicking his " superior officer. He underwent part of the sentence, by " receiving seven hundred and fifty lashes, at Canterbury, " in presence of the whole garrison.—A garrison court- " martial has been held on board the Metcalf transport, at " Spithead, on some men of the 4th regiment of foot, for dis- " respectful behaviour to their officers. Two thousand six " hundred lashes were to be inflicted among them.—Robert " Chilman, a private in the Bearstead and Malling regiment " of Local Militia, who was lately tried by a court-martial " for disobedience of orders and mutinous and improper be- " haviour, while the regiment was embodied, has been found " guilty of all the charges, and sentenced to receive eight " hundred lashes, which are to be inflicted on him at Chat- " ham, to which garrison he is to be marched for that pur- " pose."

Then they give you the authority from which they derive the information—*London newspapers.*—So that you see they have collected from all the London newspapers—and perhaps you are to learn that there are sixty published every week—all the instances of military punishment, and presented them to the public indignation, in a mass, through the medium of this libel.—Now to pause for a moment here—Do you recollect the number of troops in our service?—In the Local Militia there are 180,000. I am not sure whether the original militia amount to more than 80,000.—If they amount to 80,000, that would be 260,000 men, besides all the regulars engaged in our line. Now is it fair to pick out all the punishments recorded in all the newspapers you can find, without presenting at the same time to public observation the number of persons who are subject to the military code? Is it the course of proceeding that would be followed by a man who had no improper object in view? I should say, even on the statement, that it would not;—but this is only the introduction to the libel—this is

only the theme on which the libeller afterwards discourses —hear how he proceeds: "The Attorney General said "what was very true; these aggressors have certainly not "been dealt with as Buonaparté would have treated his re- "fractory troops."

Why, in the outset, compare the treatment of the British forces with those of Buonaparté? Does the writer mean to desire of Government to abolish the British military code, and substitute that of Buonaparté—to propose that we should adopt laws by which men are dragged from their families and homes, and obliged against their will to enter the ranks of the army? Surely! surely! if his proposal is to substitute the code he prefers for our own, I should be wanting in my duty if I did not dare to stand up to prosecute the man who had published a paper recommending such a plan.—Now how does he proceed?—"not as Buona- "parté would have treated his refractory troops—nor indeed "as refractory troops would be treated in any civilized coun- "try whatever, save and except only this country. Here "alone," (he proceeds with the libel) "in this land of liberty, "in this age of refinement, by a people who with their usual "consistency have been in the habit of reproaching their "neighbours with the cruelty of their punishments, is still "inflicted a species of torture, at least as exquisite as any "that ever was devised by the infernal ingenuity of the In- "quisition." Why, military punishments are severe, most unquestionably:—but do you think that it is the interest of those to whom the consideration of those punishments belongs, to render them more severe than is necessary? Is it not requisite that they should be attended with sufficient severity to ensure immediate and prompt obedience to the orders issued to men from their superiors?—The libel goes on: "He, as the Attorney General, justly says Buonaparté "does not treat his refractory troops in this manner." All this, you see, is by way of comparison, as to the manner of

treating British soldiers and French troops. "There is not "a man in his ranks whose back is scarred with the lacera- "ting cat-o'-nine-tails; his soldiers have never yet been "brought up to view one of their comrades stripped naked, "his limbs tied with ropes to a triangular machine—his back "torn to the bone by the merciless cutting whipcord, ap- "plied by persons who relieve each other at short intervals, "that they may bring the full unexhausted strength of a "man to the work of scourging. Buonaparté's soldiers have "never yet with tingling ears listened to the piercing screams "of a human creature so tortured—they have never seen the "blood oozing from the rent flesh—they have never beheld a "surgeon, with dubious look, pressing the agonizing victim's "pulse, and calmly calculating, to an odd blow, how far suf- "fering may be extended, until in its extremity it encroach "upon life. In short, Buonaparté's soldiers cannot form any "notion of that most heart-rending of all exhibitions on "this side Hell, an English military flogging." What is the tendency of all this, but to raise and lift up the French soldier, and to debase and degrade in his own eyes the English soldier? The writer proceeds—"Let it not be "supposed that we intend these remarks to excite a vague "and indiscriminating sentiment against punishment by mi- "litary law:—no, when it is considered that dicipline forms "the soul of an army, without which it would at once dege- "nerate into a mob—when the description of persons which "compose the body of what is called an army, and the "situation in which it is frequently placed, are also taken "into account, it will, we are afraid, appear but too evident "that the military code must still be kept distinct from "the civil, and distinguished by greater promptitude and "severity. Buonaparté is no favourite of ours, God wot; "but if we come to balance accounts with him on this "particular head, let us see how matters will stand."

I beg you to observe how this account is stated, and with

what extreme reserve those acts of severity exercised by Buonaparté are introduced. "He recruits his ranks by force; "so do we."—Putting us upon an equality, as if the same degree of force was used to recruit the Army in this country as in France.—"We flog those we have forced; he does "not. But, it may be said, he punishes them in some manner; that is very true. He imprisons his refractory troops, "occasionally, in chains; and, in aggravated cases, he puts "them to death;" lightly passing over the circumstances of his putting his refractory troops in chains, and sometimes punishing them with death. "But (he proceeds) any of "these severities is preferable to tying a human creature up "like a dog, and cutting his flesh to pieces with whipcord. "Who would not go to prison for two years, or indeed for "almost any term, rather than bear the exquisite, the almost "insupportable torment, occasioned by the infliction of seven "hundred or a thousand lashes? Death is mercy compared "with such sufferings." Gentlemen, if there is to be an alteration in our military code, it must be by adding to the number of cases in which death is inflicted; and if a proposal was made for adding to them, I should like to know, in what terms of reproach the publishers of this libel would attack those who supported such a regulation. Then the writer goes into a statement of the manner in which this punishment is inflicted, which it would be very easy for him to do, with respect to any species of punishment on any offender. He says: "We give all credit to the wishes of "some of our great men; yet while any thing remains to us "in the shape of free discussion, it is impossible we should "sink into the abject slavery in which the French people are "plunged. Although we do not envy the general condition "of Buonaparté's subjects, we really (and we speak the ho-"nest conviction of our hearts) see nothing peculiarly pitia-"ble in the lot of his soldiers, when compared with that of "our own. Were we called upon to make our election be-"tween the services, the whipcord would at once decide us."

So that you see, striking a balance between the supposed hardships in our army, and those which he states belong to the French army, he gives the decided preference to the condition of the soldiers in the army of the Corsican. Now, Gentlemen, can you hear this without indignation? Is it possible for any creature endowed with human reason, not to see that the tendency of this publication is to alienate and estrange the minds of the British soldiers from the service, and to disincline those who have not entered into the ranks, but who might be inclined to do so, from entering into such service? Can any thing be more mischievous than presenting to the public a comparison between the condition of a British and French soldier, and giving the preference to the latter? You will hear the libel read—The whole of it is equally offensive—every line has the same tendency; when you shall have heard it, I am sure you will entertain no doubt that its tendency is such as I have described it; and I am persuaded you will also hear from his lordship, for it will be his duty to state to you his opinion on the subject, that this is a most mischievous and seditious libel.

HENRY BALDWIN BAVEN *sworn, and examined by* Mr. GARROW.

Have you got a certified copy of the affidavit filed at the Stamp-office?

I have.

Signed by the Commissioners?

Yes, I have.

Did you see the Commissioners sign it?

Yes, I did.

Mr. Lowten.—The affidavit is sworn the 31st of Dec. 1807, by John Hunt and Leigh Hunt.

Have you got a printed newspaper with the title of *Examiner?*

Does it, in other respects, conform to the description of that paper in the affidavit?

Yes.

Mr. Garrow.—Your lordship knows the act of parliament makes that sufficient evidence of the publication.

Q. by *Lord Ellenborough.*—Did you purchase it?

A. No.

Mr. Garrow.—We are only required to produce it.

Mr. Brougham.—I submit that nothing has been proved respecting Leigh Hunt; at least the conformity of the paper is not proved as far as regards Leigh Hunt—John Hunt is alone mentioned at the foot of the paper.

Mr. Lowten.—The affidavit says that John Hunt is the printer.

Lord Ellenborough.—It is the affidavit of both.

Mr. Brougham.—The affidavit, by John Hunt and Leigh Hunt, I apprehend, brings home the fact of the property being their joint property; but the prosecutor has to prove another point; he has to prove that the paper produced is the paper whereof the property is in these two persons.

Lord Ellenborough.—We will read the provision in the act of parliament.

Mr. Attorney General.—The 9th section is in these words:

38th GEO. III. CAP. 78.

SEC. 9. "And be it further enacted, That all such affidavits and affirmations as aforesaid shall be filed and kept in such a manner as the said Commissioners shall direct, and the same, or copies thereof, certified to be true copies, as hereinafter is mentioned, shall, respectively in all proceedings, civil and criminal, touching any newspaper or other such paper as aforesaid, which shall be mentioned in any such affidavits or affirmations, or touching any publication matter or thing contained in any such newspaper or other paper, be received and admitted as

conclusive evidence of the truth of all such matters set forth in such affidavits or affirmations as are hereby required to be therein set forth, against every person who shall have signed and sworn or affirmed such affidavits or affirmations, and shall also be received and admitted, in like manner, as sufficient evidence of the truth of all such matters against all and every person who shall not have signed or sworn or affirmed the same, but who shall be therein mentioned to be a proprietor, printer, or publisher of such newspaper or other paper, unless the contrary shall be satisfactorily proved"—with a proviso that if any person should have delivered, previous to the publication of the paper to which the proceedings relate, an affidavit that he had ceased to be printer, &c. he should not be so deemed after such delivery.

This point was expressly decided in the case of the *King against White*.—There is a clause that says the production of a paper corresponding with the description in the affidavit, shall be *prima facie* evidence. Section 11 states:

SECT. XI. "And be it further enacted, that it shall not be necessary, after any such affidavit or affirmation, or a certified copy thereof, shall have been produced in evidence as aforesaid against the persons who signed and made such affidavit, or are therein named according to this act, or any of them,—and after a newspaper, or other such paper as aforesaid, shall be produced in evidence, intituled in the same manner as the newspaper or other paper mentioned in such affidavit or copy is intituled, and wherein the name or names of the printer and publisher, or printers and publishers, and the place of printing, shall be the same as the name or names of the printer and publisher or printers and publishers, and the place of printing, mentioned in such affidavit or affirmation, for the plaintiff, informant, or prosecutor, or person seeking to recover any of the penalties given by this act, to prove that the newspaper or paper to which such trial relates, was purchased at any house, shop, or office be-

longing to or occupied by the defendant or defendants, or any of them, or by his or their servants or workmen, or where he or they, by themselves or their servants or workmen, usually carry on the business of printing or publishing such paper, or where the same is usually sold.

Mr. Brougham.—My objection is, that the affidavit states John and Leigh Hunt to be the proprietors; and the question arises, whether the paper produced is the paper to which their affidavit refers? The paper only states John Hunt to be the printer, without any mention of Leigh Hunt.

Mr. Attorney General.—My learned friend loses sight of that which is the only support we have, I mean the act of parliament. The act of parliament says, that if a paper is produced corresponding with the description of the paper intended to be published, the production of that paper shall be evidence against the persons who made the affidavit, that it is their paper.

Lord Ellenborough.—As I understand the act, it makes, after the affidavit has been made, the publication of a paper with a corresponding title, *prima facie* evidence,—for it is no more, and is liable to be rebutted,—that it is published by the person who is proprietor. It is only *prima facie* evidence. You may shew to the contrary.

Mr. Attorney General.—The point was decided in the case of the *King against Hart and White.*

Lord Ellenborough.—What is the act?

Mr. Garrow.—The 38th Geo. 3d, c. 78.

Mr. Brougham.—It is with great reluctance I press this. I wish to read two lines further, in order to suggest that there does appear to be the variance I have mentioned: "And be it further enacted, that it shall not be necessary, after a certified copy, &c."—(*Vide Act.*)—Now we admit the title is the same.

Lord Ellenborough.—The printer and publisher are the same, though the other person is enrolled as a proprietor.—

It most literally observes the prescription of the act of parliament.

The publication was read by Mr. Lawten.

"ONE THOUSAND LASHES!!"

(From the Stamford News.)

"The aggressors were not dealt with as Buonaparté would "have treated his refractory troops."

Speech of the Attorney General.

"Corporal Curtis was sentenced to receive ONE THOU- "SAND LASHES, but, *after receiving two hundred*, was, "on his own petition, permitted to volunteer into a re- "giment on foreign service.—William Clifford, a private "in the 7th Royal *Veteran* Battalion, was lately sen- "tenced to receive ONE THOUSAND LASHES, for "repeatedly striking and kicking his superior officer. "He underwent part of his sentence by *receiving seven* "*hundred and fifty lashes*, at Canterbury, in presence "of the whole garrison.—A Garrison Court Martial has "been held on board the Metcalf transport, at Spithead, "on some men of the 4th regiment of foot, for disre- "spectful behaviour to their officers. TWO THOUSAND "SIX HUNDRED LASHES were to be inflicted "among them.—Robert Chillman, a private in the "Bearstead and Malling regiment of *Local Militia*, who "was lately tried by a Court Martial for disobedience of "orders, and mutinous and improper behaviour while "the regiment was embodied, has been found guilty of "all the charges, and sentenced to receive EIGHT "HUNDRED LASHES, which are to be inflicted on "him at Chatham, to which garrison he is to be marched "for that purpose.—*London Newspapers.*

"The Attorney-General said what was very true;—these aggressors have certainly not been dealt with as Buonaparté would have treated his refractory troops; nor indeed as refractory troops would be treated in any civi-

" lized country whatever, save and except only this " country. Here alone, in this land of liberty, in this age " of refinement—by a people who, with their usual con- " sistency, have been in the habit of reproaching their " neighbours with the cruelty of their punishment,—is still " inflicted a species of *torture*, at least as exquisite as any " that was ever devised by the infernal ingenuity of the In- " quisition. No, as the Attorney General justly says, " Buonaparté does *not* treat his refractory troops in this " manner; there is not a man in his ranks whose back is " seamed with the lacerating cat-o'-nine-tails; *his* soldiers " have never yet been brought up to view one of their " comrades stripped naked,—his limbs tied with ropes to " a triangular machine,—his back torn to the bone by the " merciless cutting whipcord, applied by persons who re- " lieve each other at short intervals, that they may bring " the full unexhausted strength of a man to the work of " scourging. Buonaparté's soldiers have never yet with " tingling ears listened to the piercing screams of a human " creature so tortured: they have never seen the blood " oozing from his rent flesh;—they have never beheld a " surgeon, with dubious look, pressing the agonized " victim's pulse, and calmly calculating, to an odd blow, " how far suffering may be extended, until in its extremity " it encroach upon life. In short, Buonaparté's soldiers " cannot form any notion of that most heart-rending of " all exhibitions on this side Hell,—*an English Military* " *Flogging*.

" Let it not be supposed that we intend these remarks to " excite a vague and indiscriminating sentiment against " punishment by military law:—no; when it is con- " sidered that discipline forms the soul of an army, without " which it would at once degenerate into a mob;—when " the description of persons which compose the body of " what is called an army, and the situations in which it is " frequently placed, are also taken into account, it will, we

" are afraid, appear but too evident, that the military code
" must still be kept distinct from the civil, and distinguished
" by greater promptitude and severity. Buonaparté is no
" favourite of ours, God wot—but if we come to balance
" accounts with him on this particular head, let us see how
" matters will stand. He recruits his ranks by force—*so do*
" *we*. We *flog* those whom we have forced—*he does not*.
" It may be said he punishes them in some manner; that
" is very true. He imprisons his refractory troops—occa-
" sionally in chains—and, in aggravated cases, he puts them
" to death. But any of these severities is preferable to
" tying a human creature up like a dog, and cutting his
" flesh to pieces with whipcord. Who would not go to
" prison for two years, or indeed for almost any term,
" rather than bear the exquisite, the almost insupportable
" torment, occasioned by the infliction of seven hundred or
" a thousand lashes? Death is mercy compared with such
" sufferings. Besides, what is a man good for after he has
" the cat-o'-nine-tails across his back? Can he ever again
" hold up his head among his fellows? One of the poor
" wretches executed at Lincoln last Friday, is stated to
" have been *severely punished* in some regiment. The pro-
" bability is, that to this odious, ignominious flogging, may
" be traced his sad end; and it cannot be doubted that he
" found the gallows less cruel than the halberts. Surely,
" then, the Attorney-General ought not to stroke his chin
" with such complacency, when he refers to the manner in
" which Buonaparté treats his soldiers. We despise and
" detest those who would tell us that there is as much li-
" berty now enjoyed in France as there is left in this
" country. We give all credit to the wishes of some of
" our great men; yet while any thing remains to us in the
" shape of free discussion, it is impossible that we should
" sink into the abject slavery in which the French people
" are plunged. 'But although we do not envy the general
" condition of Buonaparté's subjects, we really (and we

" (and we speak the honest conviction of our hearts) see " nothing peculiarly pitiable in the lot of his soldiers when " compared with that of our own. Were we called upon " to make our election between the services, the *whipcord* " would at once decide us. No advantage whatever can " compensate for, or render tolerable to a mind but one " degree removed from brutality, a liability to be lashed " like a beast. It is idle to talk about rendering the situa- " tion of a British soldier pleasant to himself, or desirable, " far less honourable, in the estimation of others, while the " whip is held over his head—and over his head *alone*, for " in no other country in Europe (with the exception, per- " haps, of Russia, which is yet in a state of barbarity) is " the military character so degraded. We once heard of " an army of slaves, which had bravely withstood the " *swords* of their masters, being defeated and dispersed by " the bare shaking of the *instrument of flagellation* in their " faces. This brought so forcibly to their minds their " former state of servitude and disgrace, that every ho- " nourable impulse at once forsook their bosoms, and they " betook themselves to flight and to howling. We enter- " tain no anxiety about the character of our countrymen " in Portugal, when we contemplate their meeting the " *bayonets* of Massena's troops,—but we must own that we " should tremble for the result, were the French General to " dispatch against them a few hundred drummers, each " brandishing a *cat-o'-nine-tails*."

Mr. Attorney General.—There is an allegation that the 7th Royal Veteran Battalion is a battalion in the Army of our Lord the King. I can call any one to prove it.

Mr. ALEXANDER MACKAY *examined by* Mr. RICHARDSON.

I believe you are a clerk in the War-Office?
I am.

ence itself, unless it is passed in the eyes of the world; and to care but little what they do, so they be only stared at, or talked of. It furnishes somewhat of excuse too, that the public itself is insatiable in its thirst for slander; swallows it with indiscriminate avidity; and, liberal at least in its patronage of this species of merit, largely rewards those whom it sends forth to pander for those depraved appetites. But, in whatever way arising, or however palliated, the fact of the abuse of the press is certain, and the consequences are fatal to the press itself; for, the licentiousness of which I complain has been the means of alienating the minds of those who had ever stood forward as its fastest friends and its firmest defenders; it has led them to doubt the uses of that which they have seen so perverted and abused. It has made them, instead of blessing "the useful "light" of that great source of improvement, see in it only an instrument of real mischief, or doubtful good:—and when they find, that instead of being kept pure, for the instruction of the world—instead of being confined to questioning the conduct of men in high situations, canvassing public measures, and discussing great general questions of policy; when they find that, instead of such, its legitimate objects, this inestimable blessing has been made subservient to the purposes of secret malice, perverted to the torture of private feelings, and the ruin of individual reputation—those men have at last come to view it, if not with hostility, at least with doubtful friendship, and relaxed zeal for its privileges. It is no small aggravation of this prejudice that the Defendants came into Court to answer this charge after other libels of a more general description have been published and prosecuted; after those, to which the Attorney General has so forcibly alluded in the opening of this case, had so lately been brought before the Court, and the authors and circulators convicted. At first sight, and upon merely stating the subject of this publication, it is but natural for you to imagine that there is some similarity between other cases and the present one; and that a publication on the

general subject of *military punishments* (which is the only point of resemblance) belongs to the same class of libels with those so anxiously alluded to by my learned friend,—with those particularly for which Mr. Cobbett, and probably some others, are suffering the sentence of the law. The Attorney General did not put these circumstances in the back ground; he was anxious to draw a parallel between this case, and the case of Mr. Cobbett: it will be unnecessary for me to follow this comparison; all I shall say in the outset is, that I confidently predict, I shall not proceed far before I shall have convinced you, gentlemen, that light is not more different from darkness than the publication set forth in this record is different from all, and each, of the former publications brought before the Court by the Attorney General for conviction, and now again brought forward for argument. The consequence of all these prepossessions, in whatever way arising, is, I will not say fatal, but extremely hurtful to these Defendants. It places them in a torrent of prejudice, in which they would in vain have attempted, and I should not have counselled them to stand, had they not rested on the firm footing of the merits of their individual case, and the confidence that his Lordship and you will cheerfully stretch forth an helping arm in the only way in which you can help them; in the only way in which they ask your aid;—that you will do strict justice between the Crown and them, by entering into an examination of their single individual case. Gentlemen, you have to try whether the particular publication, set forth in this Record, has manifestly, upon the bare appearance of it, been composed and published with the evil intention and with the purpose and hurtful tendency alledged in the Information. If their intention has apparently been good; or, whether laudable or not, if it has been innocent, and not blameworthy; then, whatever you may think of the opinions contained in the work,—even though you may think them utterly false and unfounded—in whatever light you may view it critically as a piece of

composition—though you may consider the language as much too weak or as far too strong for the occasion—still if you are convinced there is nothing blameable in the *intention* which appears to have actuated the author and publisher—(for I will take the question on the footing that the author himself is before you—though the evidence, on the face of it, bears me out in distinctly asserting that these Defendants did not write this article, but copied it from another work which they particularly specify)—yet, in order to argue the question more freely, I will suppose it is the case of the original composer, which you are now to try, (and I am sure my learned friend cannot desire me to meet him on higher or fairer ground)—I say then, that IF YOU ARE NOT CONVINCED — IF UPON READING THE COMPOSITION ATTENTIVELY YOU ARE NOT, EVERY ONE OF YOU, FULLY AND THOROUGHLY CONVINCED, THAT THE AUTHOR HAD A BLAMEABLE, *a most guilty intention* IN WRITING IT, AND THAT HE WROTE IT FOR A WICKED PURPOSE, YOU MUST ACQUIT THOSE DEFENDANTS WHO ARE PUBLISHED IT. This, Gentlemen, is the particular question you have to try;—but I will not disguise from you, that you are now trying a more *general* and *important* question than this. You are now to determine, whether *an Englishman still enjoys the privilege of freely discussing public measures*—whether an Englishman still possesses the privilege of impeaching, (for if he has a right to discuss, he has a right to espouse whichever side his sentiments lead him to adopt, and may speak or write *against*, as well as *for*)—whether he has still a right to impeach, not one individual character, not one or two public men, not a single error in policy, not any particular abuse of an established system? I do not deny that he has the right to do all this, and more than this; but it is not necessary for me now to maintain it—But the question for you to try is—Whether an Englishman shall any longer have the power of making comments on a system of policy, of discussing a general, I had almost said an abstract political proposition—of com-

municating to his countrymen his opinion upon the merits, not of a particular measure, or even a line of conduct pursued by this or that administration, (though no man ever dreamt of denying him this also,) but of a general system of policy, which it has pleased the government to adopt at all times:—Whether a person, devoted to the interests of his country, warm in his attachment to its cause, vehemently impelled by a love of its happiness and glory, has a right to endeavour by his own individual exertions to make that perfect which he so greatly admires, by pointing out those little defects in its constitution, which are the only spots whereupon his partial eyes can rest for blame:—Whether an Englishman, anxious for the honour and renown of the Army, and deeply feeling how much the safety of his country depends on the perfection of its military system, has a right to endeavour to promote the good of the service, by shewing wherein the present system is detrimental to it; by marking out for correction those imperfections which bear, indeed, no proportion to the general excellence of the establishment, those flaws which he is convinced alone prevent it from attaining absolute perfection:—Whether a person, anxious for the welfare of the individual soldier, intimately persuaded that on the feelings and the honour of the soldier depend the honour and glory of our arms; sensible that upon those feelings and that honour hinges the safety of the country at all times, but never so closely as at present—whether, imbued with such sentiments, and urged by these motives, a man has not a right to make his opinions as public as is necessary to give them effect:—Whether he may not innocently, nay laudably, seek to make converts to his own views, by giving them publicity, and endeavour to realize his wishes for the good of the state, and the honour of its arms, by proving, in the face of his fellow-citizens, the truth of the doctrines to which he is conscientiously attached. These, Gentlemen, are the questions put to you by

this Record; and your verdict, when it shall be entered upon it, will decide such questions as these.

Gentlemen, it is, I am persuaded, known to all of you, that for many years past, the anxious attention of the Government of this country has been directed (at times, indeed, to the exclusion of all other considerations) to the improvement of our Military Establishment. It would be endless, and it would be unnecessary, for me to enter into the various projects for its improvement, which from time to time have been entertained by our rulers, and adopted or rejected by the legislature: it is enough that I should state, in one short sentence, that all those plans have had common objects—— to protect and benefit the private soldier, to encourage the recruiting of the Army, and to improve the character of those who compose it, by bettering the condition of the soldier himself. In the prosecution of these grand leading objects, various plans have been suggested by different statesmen of great name; plans which I need not particularize, but to some of which, in so far as they relate to the present Information, it is necessary that I should direct your attention. One of the chief means suggested for improving the condition of the soldier, is *shortening the duration of his service*; and upon that important subject it is unnecessary for me to use words of my own, when I have, in a publication which is before the world, and I dare say has been before you, (at least you cannot be unacquainted with the name and the fame of the author,) that which better expresses my sentiments than any language I could use myself. The arguments are so forcibly stated, and the subject is altogether placed in so luminous a point of view, that it is better for me to give them in the words of the respectable writer, the gallant officer I have alluded to. It is Sir Robert Wilson,*

* This distinguished officer sat on the bench, near his Lordship, during the whole of the trial.

Gentlemen, whose presence here as a witness, should it be necessary to call him, prevents me from saying, so strongly as I could wish, what in common with every one I do most sincerely feel—that there is not, among all the brave men of whom the corps of officers in the British Army is composed, one to whom the country, considering his rank and the time of his service, is more indebted—one who has more distinguished himself by his enthusiastic, I had almost said romantic, love of the service—one who has shewn himself a more determined, I may really say *personal enemy* of the Ruler of France, or a faster friend to the cause and the person of his own Sovereign, and of his royal allies.* —This gallant officer, in the year 1794, published a Tract "On the means of improving and re-organizing the Mili- "tary Force of this Empire."—It was addressed to Mr. Pitt, then minister of the country, and whose attention, as well as that of the author, was at that time directed to whatever was likely to improve our military system—to encourage the obedience, and exalt the character of the soldier already in the Army, and to promote the recruiting of it from among those who had not yet entered into the service. He mentions a great variety of circumstances which deter men from enlisting, and render those who do enter of less value to the profession. Among others, he mentions the term—the duration of their service. He says, in language powerful indeed, and strong, but any thing rather than libellous:—"It is strange that in a free country, a cus- "tom so *repugnant to freedom*, as enlisting for life, and "to the particular character of the British Constitution, "should ever have been introduced; but more singular

* Sir Robert Wilson is Aid-de-camp to the King: he obtained the Order of Maria Theresa for saving the Emperor's life in 1792; and his book against Buonaparté is well known.

" that the practice should have been continued *after every*
" *other nation in Europe had abandoned it as impolitic, and*
" *as too severe an imposition upon the subject.*"—" If in
" those countries (he proceeds) where the *inferior orders of*
" *society are born in vassalage*, and where the will of the
" sovereign is immediate law, this power has been relin-
" quished, in order to incline men voluntarily to enlist,
" surely there is strong presumptive evidence that the ge-
" neral interests of the service are improved, instead of
" being injured by this more liberal consideration." He
then goes on to illustrate the same topic in terms still more
expressive of the warmth of his feelings upon so interesting
a question: " *The independence of an Englishman,*" says
he, " *naturally recoils at the prospect of bondage*, which
" gradually *produces discontent* against the bent even of
" inclination." " How many men," he adds, in still
more glowing expressions—but which I am far from blaming
—for I should have held him cheap indeed, if, instead of
giving vent to his sentiments in this free and appropriate
manner, he had offered them as coldly and dryly as if he
were drawing out a regimental return——" How many
" men are there, who have now not the faintest wish to
" leave their own estates, even for a journey into another
" county, but who, if *restrained* by any edict from quit-
" ting England, would find this island *too narrow to con-*
" *tain them, would draw their breath convulsively as if they*
" *craved free air, and feel all the mental anguish of a pri-*
" *soner in a dungeon?* What is the inference to be now
" fairly drawn from the perseverance in the system of en-
" listing for life?. *Is it not that the British service is so ob-*
" *noxious and little conciliating*, that, if the permission
" to retire were accorded, the ranks would be *altogether*
" *abandoned, and the skeleton only remain, as an eternal*
" *and mournful monument of the wretchedness of a soldier's*
" *condition?*—Is it not a declaration to the world, that *the*
" *service is so ungrateful to the feelings of the soldiery,*

" that *when once the unfortunate victim is entrapped*, it is " necessary to secure his allegiance by a *perpetual state of* " *confinement?*"—He then advances in the course of his inquiry to another topic; and in language as strong—as expressive of his honest feelings—and therefore as appropriate and praise-worthy—he talks of the service in the West-India Islands, and even goes so far as to wish those colonies were *abandoned*. I am not disposed to follow him in this opinion—I cannot go so far:—But God forbid I should blame him for holding it—or that, for making this opinion public, I should accuse him of having written a libel on that service, of which he is at once the distinguished ornament and zealous friend.—It might bear perhaps an insinuation that such a topic was inflammatory—that it had a tendency to *excite discontent* among the soldiers—and to *deter men from entering into the service*. But far from imputing that to the gallant officer, I respect him the more for publishing a bold and downright opinion—for expressing his feelings strongly—it is the best proof he felt keenly. He proposes no less than that the West-India Islands should be given up, in order to improve our means of defence at home. He says, "It is, however, to be hoped, that the " day is not remote, when our Colonies shall cease to be " such a claim upon the active population of this country; " *that charnel-house must be closed for ever against the* " *British troops*. The soldier who dies in the field is " wrapped in the mantle of honour, and the pall of glory " is extended over his relatives; but in a warfare against " climate, the energy of the man is destroyed before life " is extinguished; he wastes into an inglorious grave, and " the calamitous termination of his existence offers no cheer- " ing recollection to relieve the affliction of his loss."—Did Sir Robert Wilson mean to excite the brave and ill-fated regiments to mutiny and revolt who were already enclosed in those charnel-houses?—or did he mean to deter persons from enlisting in those regiments, who might otherwise

have been inclined to join them? Did he mean to address any of the regiments under actual orders for the West-India service, and to excite revolt among them—by telling every one who read the passage I have cited, that which it so forcibly puts to all soldiers under such orders—"Whither are you going?—You are rushing into a char-"nel-house!" Far be it from me to impute such motives—it is impossible! The words I have read are uttered in the discussion of a general question; a question on which he speaks warmly, because he feels strongly. And pursuing the same course of reasoning in the same expressive style, he comes to another and an important part, both of his argument and of the question in which we are now engaged. In considering the nature of the tenure by which a soldier wears his sword;—in considering that honour is to him what our all is to every body else—he views several parts of our military system as clashing in some sort with the respect due to a soldier's character—and, fired with a subject so near his heart, he at once enters into the question of *military punishments*—paints in language not at all weaker nor less eloquent than that of the publication before you,—in language that does him the highest honour, the *evils* that result from the *system of flogging*, as practised in our Army. He says, "The second, and equally *strong check to the* "*recruiting* of the Army, is the frequency of *corporal pu-*"*nishment.*" Proceeding to enlarge on this most interesting point, in the course of his observations he uses such expressions as these:—After judiciously telling us, that "it "is in vain to expect a radical reform, until the principle "of the practice is *combated by argument, and all its evil* "*consequences exposed* by reasoning," he adds this assertion, for which every one must give him credit:—"Be this "however as it may, I feel convinced that I have no ob-"ject but the *good* of the service."—He says, that "Sir "Ralph Abercrombie was also an enemy to corporal pu-"nishments for light offences: his noble and worthy suc-

" cessor, whose judgment must have great influence; Lord " Moira,—General Simcoe—and almost every General Of- " ficer in the Army, *express the same aversion continually ;*— " *but they have no power of interference.*"——Of that interference then he thinks there is no prospect, unless by *reason* and *argument*, and by *freely discussing* the opinions of the country and the legislature—a proposition to which all of us must readily assent. And he thus pursues :—" I " feel convinced that I have no object but the good of the " service, and, consequently, to *promote the Commander in* " *Chief's views*, and that my feelings are solely influenced " by *love of humanity, a grateful sense of duty to brave* " *men*, and not by a false ambition of acquiring popu- " larity"—A motive which I am sure no one will impute to him.—" If (he adds) I did not think the subject of the " most essential importance, no motive should induce me " to bring it forward,—if I was not aware that, however " eager the Commander-in-Chief was to interpose his au- " thority, the correction of the abuse does not altogether " depend upon his *veto*, and cannot, with due regard to the " peculiar circumstances of his situation, be required to " emanate abruptly from him. *My appeal is made to the* " *Officers of the Army and Militia, for there must be no* " *marked discrimination between these two services*, notwith- " standing there may be great difference in their different " modes of treating the soldiery. I shall sedulously avoid " all personal allusions—the object in view is of greater " magnitude than the accusation of *individual malefactors ;* " I shall not enter into particulars of that *excess of punish-* " *ment*, which has in many instances been attended *with the* " *most fatal consequences.*—I WILL NOT, BY QUOTING " EXAMPLES, REPRESENT A PICTURE IN TOO FRIGHTFUL " A COLOURING FOR PATIENT EXAMINATION." He then says, " The present age is a remarkable epoch in the his- " tory of the world ;—civilization is daily making the " most rapid progress, and humanity is triumphing hourly

" over the last enemies of mankind: but whilst the Afri-
" can excites the compassion of the nation, and engages
" the attention of the British Legislature, *the British sol-*
" *dier, their fellow countryman*, the gallant faithful pro-
" tector of their liberties, and champion of their honour,
" is *daily exposed to suffer under the abuse of that power*
" with which ignorance or a bad disposition may be armed."
—" There is no mode of punishment so *disgraceful as*
" *flogging*, and *none more inconsistent with the military*
" *character*, which should be esteemed as the essence of
" honour and the pride of manhood: but when what should
" be used but in very extreme cases, as the *ultimum suppli-*
" *cium*, producing the *moral death* of the criminal, be-
" comes the common penalty for offences in which there
" is no moral turpitude, or but a petty violation of martial
" law, the evil requires serious attention."——Here he ap-
peals with a proud and exulting recollection to the practice
of the regiment in which he had begun his military life.
—" Educated," says he, " in the 15th Light Dragoons,
" I was early instructed to respect the Soldier: *that was a*
" *corps before which the triangles were never planted;*"
meaning the triangles against which men are tied up when
they receive the punishment of flogging. " There," he
adds, in the same language of glowing satisfaction, con-
trasting the character of his favourite corps with that de-
basement which the system of flogging else where engenders—
—" *There,*" he exclaims,—" each man felt an individual
" spirit of independence; walked erect, as if conscious of
" his value as a man and a soldier—where affection for
" his officer, and pride in his corps, were so blended, that
" duty became a satisfactory employment, and to acquire
" for each new distinction, the chief object of their wishes.
" With such men every enterprize was to be attempted,
" which could be executed by courage and devotion, and
" there was a satisfaction in commanding them which could
" never have been derived from a system of severity." He

proceeds, "There is no maxim more true than that cruelty "is generated in cowardice, and that humanity is inseparable from courage. The ingenuity of officers should be "exercised to devise a mode of mitigating the punishment, "and yet maintaining discipline. If the heart be well disposed, a thousand different methods of treating offences "will suggest themselves; but to prescribe positive penalties for breaches of duty is impossible, since no two cases "are ever exactly alike. Unfortunately many officers "will not give themselves the trouble to consider how they "can be merciful; and if a return was published of all "*regimental punishments within the last two years, the* "*number would be as much a subject of astonishment as* "*regret.*—I knew a Colonel of Irish Militia, *happily now* "*dead,* who *flogged* in one day *seventy* of his men, and I "believe punished several more the next morning; but, "notwithstanding this extensive correction, the regiment "was by no means improved. Corporal punishments "*never yet reformed a corps;* but they have TOTALLY "RUINED MANY A MAN WHO WOULD HAVE PROVED "UNDER MILDER TREATMENT A MERITORIOUS SOLDIER. "They break the spirit without amending the disposition; "*whilst the lash strips the back, despair writhes round the* "*heart, and the miserable culprit, viewing himself as fallen* "*below the rank of his fellow species, can no longer attempt* "*the recovery of his station in society.* Can the brave "man, and he endowed with any generosity of feeling, "forget the *mortifying vile condition in which he was ex-* "*posed?* Does not therefore the 'cat-o'-nine-tails defeat "the chief object of punishment, and *is not a mode of pu-* "*nishment too severe, which for ever degrades and renders* "*abject?* Instead of upholding the character of the soldier, as entitled to the respect of the community, this "system renders him despicable in his own eyes, and the "object of opprobrium in the state, or of mortifying "commiseration."—He is now about to touch upon a

topic which I admit to be of some delicacy. It is one of the topics introduced into the composition before you:—but a man of principle and courage, who feels that he has a grave duty to perform, will not shrink from it, even if it be of a delicate nature, through the fear of having motives imputed to him by which he was never actuated, or lest some foolish persons may accuse him of acting with views which never swayed him. Accordingly Sir Robert Wilson is not deterred from the performance of his duty by such childish apprehensions; and, having gone through all his remarks, of which I have read only a small part, and having eloquently, feelingly, and most forcibly summed it up in the passage I have just quoted, he says: "It is a melancholy "truth, that punishments have considerable augmented "—that ignorant and fatal notions of discipline have been "introduced into the service, subduing all the amiable "emotions of human nature. *Gentlemen who justly boast* "*the most liberal education in the world*, have familia- "rized themselves to a degree of punishment *which charac-* "*terizes* NO OTHER NATION IN EUROPE."—"England," (he adds, pursuing the same comparative argument on which so much had this day been said)—"England should not "be the last nation to adopt humane improvements;" and then, coming to the very point of comparison which has been felt by the Attorney General as the most offensive, Sir R. Wilson says: "FRANCE ALLOWS OF FLOGGING "ONLY IN HER MARINE, for men confined together on "board ship require a peculiar discipline, and the punish- "ment is very different from military severity. The Ger- "mans make great criminals run the gauntlet;" thus illustrating the principle that *in no country, save and except England alone*, to use the words of those Defendants) is this mode of punishment by flogging adopted.

Gentlemen, it is not from the writings of this gallant officer alone that I can produce similar passages, though,

perhaps, in none could I find language so admirable and so strong as his. I shall trouble you, however, with no more references, excepting to an able publication of another officer, who is an ornament to his profession, and whose name, I dare to say, is well known amongst you, I mean Brigadier-General Stewart, of the 95th regiment; the brother of my Lord Galloway. This work was written while the plans, which I have already mentioned, were in agitation for the improvement of the Army; and the object of it is the same with that of Sir R. Wilson—to shew the defects of the present system, and to point out the proper remedies. "Without (he begins) a *radical change* in our present "military system, Britain will certainly not long con- "tinue to be either formidable abroad, or secure at home." This radical change in our system is merely that which I have already detailed. He says, after laying down some general remarks, "If this view of the subject be cor- "rect, how will the several parts of our *present military* "*system be reconciled to common sense, or to any insight* "*into men and things?*" He then mentions the chief defects in the system, such as perpetuity of service, and the *frequency of corporal punishments;* and in discussing the latter subject, he says, "No circumstance can mark a want "of just discrimination more than the very general recur- "rence, in any stage of society, to that description of pu- "nishment which, among the same class of men, and with "the alteration of the profession alone, bears a stamp of "infamy in the estimate of every man.—The frequent in- "fliction of corporal punishment in our armies tends "strongly to debase the minds and destroy the high spirit "of the soldiery. It renders a system of increasing rigour "necessary; it deprives discipline of honour, and de- "stroys the subordination of the heart, which can alone "add voluntary zeal to the *cold obligations of duty.* "Soldiers of naturally correct minds, having been once "punished corporally, generally become negligent and

" unworthy of any confidence. Discipline requires the inter-
" vention of strong acts to maintain it, and to impress it
" on vulgar minds: punishment may be formidable, but
" must not be familiar: generosity or solemn severity must
" at times be equally recurred to: pardon or death have
" been resorted to with equal success; *but the perpetual re-*
" *currence to the infliction of infamy on a soldier by the*
" *punishment of flogging, is one of the most mistaken modes*
" *for enforcing discipline which can be conceived.*"—And then, alluding to the same delicate topic of comparison, which, somehow or other, it does appear no man can write on this subject without introducing,—I mean the comparative state of the Enemy's discipline, and our own,—he says: "*In the French army a soldier is often shot,*
" *but he rarely receives corporal punishment; and in no*
" *other service is discipline preserved on truer principles.*"
Gentlemen, I like not the custom, which is too prevalent with some men, of being over-prone to praise the Enemy—of having no eyes for the merits and advantages of their own country, and only feeling gratified when they can find food for censure at home; while abroad all is praise-worthy and perfect.—I love not this propensity to make such a comparison; however, it is sometimes absolutely necessary, though it may always be liable to abuse:—but in an officer like General Stewart or Sir Robert Wilson, it has the merit not only of being applicable to the argument, but in those men who have fought against that Enemy, and who in spite of his superior system have beaten him (as beat him we always do when we meet him on any thing like fair terms), in such men it has the grace of liberality as well as the value of truth—and it not only adds a powerful reason to their own, but shews them to be above little paltry feuds;—shews them combating with a manly hostility, and proves that the way in which *they* choose to fight an enemy, is like soldiers in the field, and not by effeminately railing at him. *In the French army*, General Stewart says, a soldier is often shot, but he rarely receives corporal punishment—and " *in*

"*no other service is discipline preserved on truer principles.*" He says, "I know the service—I have had occasion to see it in practice—I have served with Austrians, Prussians, and Swedes—but in no service is discipline preserved on truer principles than in the French; and *therefore* it is that I quote the example of the French, whose discipline is preserved on principles too true, alas, for our ill-fated allies. It is *therefore* I quote the French army, and in order to shew that the change I recommend in our own, is necessary for the perfection of its discipline, and to save us from the fate of those allies." Such are the opinions of these gallant officers—but whether they are right or wrong I care not—Such are the opinions of other brave and experienced officers, expressed in language similar to that which you have heard; in such terms as they deemed proper for supporting the opinions they held. Do I mean to argue, because these officers have published what is unfit and improper, that therefore the Defendants have a right to do the same? Am I foolish enough? Do I know so little of the respect due to your understandings? Am I so little aware of the interruption I should instantly and justly meet from the learned and noble Judge, who presides at this trial, were I to attempt urging such a topic as this? Do I really dare to advance what would amount to no less than the absurd, the insane proposition, that if one man publishes a libel, another man may do so too? On the contrary, my whole argument is at an end, if these are libels. If General Stewart and Sir Robert Wilson have exceeded the bounds of propriety, and those passages which I have read from their works, are libels; the publication by them would form not only no excuse for the Defendants, but would be an aggravation of their fault, if I, their counsel, had ventured, in defending one libel, to bring other libels before you. But it is because I hold, and you must too, that these officers are incapable of a libellous intention—because you well know that these officers, when they wrote in such terms,

were incapable of the design of sowing dissention among the troops, and deterring men from entering into the Army —it is because you know that, of all the men in this Court, and in this country, there are no two persons who are more enthusiastically attached to this country—it is because you know, as well as I do, that no two men in England are more entirely devoted to the interests of the British Army, or bear a deadlier hate to all its enemies—it is because you must feel that there is not an atom of pretext for charging *them* with such wicked intention, or for accusing *them* of a libellous publication—it is for this reason, and for this alone, that I have laid before you what they have thought and written upon the subject matter of the composition which you are now trying.—I entertain no small confidence that you are prepared to go along with me, in my conclusion, that, if *they* could publish such things, without the possibility of any man accusing them of libel, the mere fact of these things being published is no evidence of a wicked or seditious intention:—that you are therefore prepared to view the publication on its own merits; and, considering how others, who could not by possibility be accused of improper motives, have treated the same subject, you will feel it your duty to acquit the Defendants of evil intention, if they shall appear to have handled it in a similar manner.

Gentlemen, I entreat you now to look a little towards the composition itself on which the Attorney General has commented so amply. With respect to the motto, which is taken from an eloquent address of his to a jury upon a former occasion, there is nothing in that, which makes it necessary for me to detain you. In whatever way these words may have originally been spoken, and however the context may have qualified them, even if they bore originally a meaning quite different from that which in their insulated state they now appear to have,—I apprehend, that a person assuming, as is the fashion of the day, a quotation from

the words of another as a text, may fairly take the passage in whatever sense suits his own purpose. Such at least has been the practice, certainly, from the time of the Spectator, —I believe much earlier; nor can the compliance with this custom prove any intention good or bad.—A writer takes the words which he finds best adapted to serve for a text, and makes them his motto: some take a line, and even twist it to another meaning, a sense quite opposite to its original signification; it is the most common device, a mere matter of taste and ornament, and is every day practised. Let us now come to the introduction, which follows the text or motto. The writer, meaning to discuss the subject of military punishments, and wishing to offer his observations on the system of punishment adopted in our Army,—in order to lay a ground-work for his argument, and in case any reader should say, 'You have no facts to produce, this is all mere declamation,'—for the purpose of securing such a ground-work of fact as should anticipate this objection, and shew that these military punishments were actually inflicted in various instances,—and in order to prove from those instances the necessity of entering into the inquiry, he states fairly and candidly several cases of the punishments which he is going to comment upon.—He says, "*Corporal Curtis* was "sentenced to receive one thousand lashes, *but, after* "*receiving two hundred, was on his own petition permitted* "*to volunteer* into a regiment on foreign service." Enough would it have been for the argument to have said, that Corporal Curtis had been sentenced to receive one thousand lashes; he owns candidly that on receiving two hundred, he was allowed, and at his own request, to enter into a regiment on foreign service. Then he mentions the case of *William Clifford*, a private in the seventh Royal Veteran battalion, who was lately sentenced to receive one thousand lashes:—does he stop there? No, he adds the reason; and the reason turns out to be one which, if any thing can

justify such a punishment, you will admit, would be a justification. He adds candidly, what makes against his own argument, he says it was "*for repeatedly striking and* "*kicking his superior officer.*" He adds, that he underwent part of his sentence, by receiving seven hundred and fifty lashes at Canterbury, in presence of the whole garrison. He next mentions another instance of some persons of the 4th regiment of foot, being sentenced to receive two thousand six hundred lashes—and, giving the reason, he says it was "*for disrespectful behaviour to their officers.*"—He then states the case of *Robert Chilman*, a private in the Bearstead and Malling regiment of Local Militia, who was lately tried, this author tells us, by a court-martial "*for dis-* "*obedience of orders and mutinous and improper behaviour* "*while the regiment was embodied.*"—His offence he thus sets forth almost as fully as if he was drawing up the charge —nay, I will venture to say the charge upon which the court-martial proceeded to trial, was not drawn up more strongly and distinctly; he subjoins to these facts, that his authorities are, the *London Newspapers.*

Having thus laid the foundation and ground-work of his reasoning, he comments upon the subject in words which, as they have been read twice over, once by the Attorney General and once by Mr. Lowten, it will be unnecessary for me to repeat at any considerable length; I would only beg of you to observe, that, in the course of his argument, he has by no means departed from the rule of fairness and candour which he had laid down for himself in the outset. He brings forward that which makes against him, as well as that which makes for him, and he qualifies and guards his propositions in a way strongly indicative of the candour and fairness of his motives. After having stated his opinion in warm language, in language such as the subject was calculated to call forth—after having poured out his strong feelings in a vehement manner—(and surely

you will not say that a man shall feel strongly, and not strongly express himself—shall he be blamed for expressing himself, as these two gallant officers have done, though perhaps in language not quite so strong?) Having thus expressed himself, he becomes afraid of his reader falling into the mistaken notion of his meaning,—which, notwithstanding the warning, it would seem the Attorney General has really fallen into, of supposing that he had been too much inclined to overlook the errors in the French system, and that he who had argued against our system, and in favour of the Enemy's, might be supposed too generally fond of the latter; apprehensive of a mistake so injurious to him, and feeling that it was necessary for him to qualify his observation, in order to protect himself from such a misconception—He first says, "*Let it not be supposed that we intend* "*these remarks to excite a vague and indiscriminate senti-* "*ment against punishment by military law.*"—You perceive, Gentlemen, that before proceeding to guard his reader against the idea of his general partiality to the French system, he stops for the purpose of correcting another misrepresentation, another mistake of his meaning, into which also the Attorney General has repeatedly been betrayed this day. The writer, fearing lest he should not have guarded his reader, and especially his military reader, if he should have one, against the supposition of his being an enemy to military punishment in the general, states distinctly, that severe punishment is absolutely necessary in the Army; and he proceeds to express himself in words which are nearly the same as those used by the Attorney General, for the purpose of shewing that there was something enormous in attacking the system of corporal punishment.—Says the Attorney General, he is endeavouring to inflame the subjects of this country against the whole penal code of the Army; he is endeavouring to take away the confidence of the soldier in those military regulations which must be enforced, while

we have an army at all.—All this is mere rhetoric: exactly so thought the author of this work. He was afraid some person might fall into the same mistake, and accordingly he warns them against this error; he says, "Let it not be "supposed that we intend these remarks to excite a vague "and indiscriminating sentiment against punishment by "military law: no; when it is considered that *discipline* "*forms the soul of an army*, without which it would at "once degenerate into a mob;—when the *description of* "*persons* which compose the body of what is called an "army, and the situation in which it is frequently placed, "are also taken into account, it will, we are afraid, appear "but too evident that the military code must still be "kept *distinct from the civil, and distinguished by great* "*promptitude and severity*. Buonaparté is no favourite "of ours, God wot!"—Then, with respect to the French mode of punishment and our own, he observes: "It "may be said, he (Buonaparté) punishes them (his "troops) in some manner.—That is very true; he *im-* "*prisons* his refractory troops, *occasionally in chains*, and "in aggravated cases *he puts them to death*."—Is this not dealing fairly with the subject? Is this keeping out of sight every thing that makes against his argument, and stating only what makes for it? Is he here mentioning the French military punishments, to prove that we ought to abandon the means of enforcing our military discipline? No, he does not argue so unfairly, so absurdly.—His argument did not require it: he states, that the French punish their soldiers in a manner which I have no doubt some will think more *severe* than flogging: he states, that Buonaparté punishes his refractory troops with *chains*, and with the highest species of all human punishment—*with death*.—This is exactly the argument of the Defendants, or of the author of this composition; and it is the argument of all those who reprobate the practice of flogging. They contend, that he (Buonaparté) does not; and that we ought not to

flog soldiers; but that he punishes them with chains or death, and so ought we. They maintain, that for those offences for which one thousand lashes are inflicted,—and many of the first authorities in this country maintain, and always have maintained,—that *death* itself should be inflicted—but not flogging,—that the more severe, but more safe and appropriate punishment is to be preferred. The argument is not used out of compassion to the soldier, not for the purpose of taking part with him. He does not tell him who has been guilty of mutiny, 'Your back is torn with the lash, you are an injured man, and suffering unmerited hardships—you, who have kicked and beat your officer, ought not to be punished in so cruel a way, as by being tied to the triangles and lacerated with whipcords—this is not what he tells the soldier. No; he says—'The punishment you receive, is an improper punishment altogether, because it is hurtful to military discipline, because it wounds the feelings of the soldier, and degrades him in his own estimation, because it ruins irretrievably many a man who might be reclaimed from irregular courses, and saves the life only, but without retaining the worth of him who, like you, have committed the highest offences: therefore such a punishment is in no instance fit to be inflicted. But do not think that you are to get off without the severest punishment—you, who have been guilty of mutiny; do not think that military punishments ought not to be more severe than the civil: my opinion, indeed, is, that you ought not to be flogged, because there are reasons against that practice, wholly independent of any regard for *you*; but then I think that you ought to be confined in chains, or put to death.'—It is not tenderness towards the soldier, it is not holding up his grievances as the ground for mutiny; it is a doctrine which has for its object the *honour of all soldiers:* it proceeds from a love of the military service; it is calculated to raise that service, and, by raising it, to pro-

mote the good of the country. These are the motives, these are the views of this train of argument. Instead of holding out the idle dream, that the soldier ought not to be punished, he addresses himself to the soldier, solely on account of the system of which he forms a part; solely on account of the effects which his punishment may produce on the Army: but as to the *individual soldier* himself, he holds the very language of severity and discipline; he tells him in pretty plain, nay in somewhat harsh terms, that strictness is necessary in his case, and that he must be treated far more rigorously than any other class of the community. Furthermore, he tells him, that a severer punishment than even flogging is requisite, and that, instead of being scourged, he ought to be imprisoned for life, or shot. He then goes to another topic—but it is almost unnecessary to proceed further with the qualifications of his opinion: he says, "We despise "and detest those who would tell us, that there is as much "liberty now enjoyed in France as there is left in this "country." Is this the argument, is this the language of a person who would hold up to admiration what our enemies do, and fix the eye of blame only on what happens at home? Is this the argument from which it is to be inferred, that he went over to pry out the blessings enjoyed by our enemies, in order to stir up discontent among ourselves? If such had been his intention, was this vehement expression of contemptuous indignation against those who are overforward to praise the French, likely to accomplish such an intention? Surely such expressions were more than his argument required. He goes out of his way to reprobate men of unpatriotic feelings; men whose hearts are warm towards the enemies of their country. It was the *gist* of his argument to shew that the French discipline being superior to ours, (as in the opinion of Sir Robert Wilson and General Stewart it appears to be), we ought to seek the amendment of our system by availing ourselves of the example of our enemies: but he says, 'Do not believe I am against punishing

the soldier because I am averse to flogging him—or that I belong to the description of persons who can see nothing in the conduct of our enemies deserving censure:' on the contrary, he warns the soldier that rigour of discipline is his lot—and that he must expect the severest infliction of punishment which man can endure—and he purposely, though I admit unnecessarily for his argument, inveighed against too indiscriminate an admiration of France, in words which I shall repeat, because they are important, and because my learned friend passed hastily over them :—

—" *We despise and detest those who would tell us, that* " *there is as much liberty now enjoyed in France as there is* " *left in this Country.*"

Such, Gentlemen, is the publication on which you are called upon to decide :—it is an argument, *qualified by restrictions and limitations*, upon an important branch of the military policy of this Country. In pursuing this argument, it was necessary the writer should choose a topic liable to misconception—the comparison of the system of the French army with our own :—his argument could not be conducted without a reference to this point;—but, to prevent it from abuse, he guards it by the passage I have read, and by others which are to be found in the body of the composition.—And he is now brought before you for a libel, on this single ground, that he has chosen such topics as the conduct of his argument obviously required; and used such language as the expression of his opinions naturally called forth.

Gentlemen, I pray you not to be led away by any appearance of warmth, or even of violence, which you may think you perceive merely upon cursorily looking over this composition.—I pray you to consider the things I have been stating to you, when you are reflecting upon the able and eloquent remarks of the Attorney-General; more especially upon the observations which he directed to the peculiarly delicate and invidious topics necessarily involved in the argument. The writer might have used these topics without the qualifications, and still I should not have been

afraid for his case. But he has not so used them—he has not exceeded the bounds which any thing that deserves the name of free discussion must allow him. He has touched, and only touched, those points which it was absolutely impossible to pass over, if he wished to trace the scope of his opinions;—and those points he had a right to touch—nay to dwell upon (which he has not done), unless you are prepared to say that free discussion means this,—that I shall have the choice of my opinion, but not of the arguments whereby I may support and enforce *it*—or that I shall have the choice of my topics, but must only choose such as my adversary pleases to select for me;—unless you are prepared to say, that it is a free permission freely to discuss public measures, which prescribes not merely the topics by which my sentiments are to be maintained, but also the language in which my feelings are to be conveyed;—for if there is a difference in the importance of different subjects,—if one person naturally feels more strongly than another upon the same matter, if there are some subjects on which all men, who in point of animation, are above the level of a stock or a stone, do feel warmly; have they not a right to express themselves in proportion to the interest which the question naturally possesses, and to the strength of the feelings it excites in them? If they have no such power as this, to what, I demand, amounts the boasted privilege? It is the free privilege of a fettered discussion; it is the unrestrained choice of topics which another selects; it is the liberty of an enslaved press; it is the native vigour of impotent argument. The grant is not qualified, but resumed by the conditions. The rule is eaten up with exceptions; and he who gives you such a boon, and calls it a privilege or a franchise, either has very little knowledge of the language he uses, or but a slight regard for the understandings of those whom he addresses.—I say, that in the work before you, no individual instance of cruelty has been selected for exaggerated description, or even for remark; no specific facts are commented on, no statements alluded to in detail; scarcely are the abuses of the system pointed out; though the eloquent author

might well have urged them as arguments against a system thus open to abuse. It is the system itself which is impeached in the mass; it is the general policy of that system which is called in question; and it is an essential part of the argument, a part necessary to the prosecution of the inquiry, to state that the system itself leads to cruelty, and that cruelty cannot fail to be exercised under it. This is among the most important of the arguments by which the subject must needs be discussed: and if he has a right to hold, and publicly to state an opinion on this subject at all, he has not only a right, but it is his duty to enter into this argument. But then the Attorney General maintains, that it tends to excite mutiny, and to deter persons from enlisting in the Army:—Now, Gentlemen, I say that this fear is chimerical; and I desire you to lay out of your view every thing I have stated from the high authorities whose sentiments you have heard: I request you to leave out of your sight the former arguments urged by me, that you cannot impute any evil intention to their books, because you cannot to their authors. I ask you to consider, whether there is any visible limit to the argument which the Attorney General has pressed on you, when he asserts, that the tendency of this publication is to excite disaffection among the soldiers, and to prevent the recruiting of the Army? I ask you whether any one of these points which are the most frequently discussed, at all times, and by persons of every rank, can in any conceivable way be discussed, if we are liable to be told that in arguing, or in remarking upon them, our arguments have a tendency to excite sedition and revolt? What are the most ordinary of all political topics? Taxes, wars, expeditions. If a tax is imposed which in my conscience I believe to be fraught with injustice in its principle, or to originate in the most perverse impolicy; to produce the most galling oppression in the manner of its collection; can I speak otherwise than severely? or, however moderately I may express myself, can I speak otherwise than most unfavourably of it, even after the

Legislature has sanctioned it, and laid it on the country? And yet the Attorney General may say, 'What are you about? you are exciting the people to resistance; you are touching the multitude in the tenderest point; and stirring them up to revolt against the tax-gatherers, by persuading them that the collection of the imposts is cruel and oppressive, and that the government has acted unwisely or unjustly, in laying such burthens on the people.' Is it rebellious to speak one's sentiments of the expeditions sent from this country? If a man should say, 'You are dispatching your gallant troops to leave their bones in those charnel-houses, as Sir Robert Wilson calls them, which you are constantly purchasing in the West Indies with the best blood of England; you are sending forth your armies to meet, not the armies of the enemy, but the yellow fever; you are pouring your whole forces into Walcheren, to assail, not the armies of France, not the iron walls of Flanders, but the pestilential vapours of her marshes'—such things have been uttered again and again, from one end of the empire to the other, not merely in the hearing of the country, but in the hearing of the troops themselves: but did any man ever dream of sedition, or a wish to excite mutiny being imputable to those millions by whom such remarks have been urged? Do those persons of exalted rank, and of all ranks, (for we all have a right to discuss such measures, as well as the statesmen who rule us) do those men within the walls of Parliament, and without its walls, (for surely all have equally the right of political discussion, whether they have privilege of parliament or no) do all who thus treat these subjects purposely mean to excite sedition? Did any one ever think of imputing to the arguments of persons discussing in this way those matters of first-rate national importance, that they had a tendency to produce revolt, and excite the soldiers to mutiny?—There is another subject of discussion which immediately strikes one; it is suggested to you immediately by the passage which I formerly read from Sir Robert

Wilson; indeed, he introduces it in lamenting the treatment of the soldiers. I am referring to those signal, and I rejoice to say, successful efforts made by our best statesmen of all parties, on behalf of the West-Indian slaves. Could there be a more delicate topic than this? a more dangerous subject of eloquence or description? Can the imagination of man picture one that ought to be more cautiously,—more scrupulously handled, if this doctrine is to prevail, that no person must publish what any person may suspect of having a tendency to excite discontent and rebellion? And yet were not all the speeches of Mr. Pitt, (to take but one example,) from beginning to end, pictures of the horrors of West-Indian slavery? And did any one, in the utmost heat of the controversy, or in the other contentions of party, or personal animosity, did any one think of accusing that celebrated statesman of a design to raise discontent, or shake the tranquillity of the Colonies, although he was addressing his vehement and impassioned oratory to Islands where the oppressed blacks were to the tyrannizing whites, as the whole population compared with a few hundred individuals scattered over the West-Indian seas? I say, if this argument is good for any thing, it is good for all; and if it proves that we have no right to discuss this subject, it proves that we have no right to discuss any other.

But I dare say, that one circumstance will have struck you, upon hearing the eloquent address of my learned friend. I think you must have been struck with something which he would have kept out of sight: he forgot to tell you, that no discontent had been perceived, that no revolt had taken place, that no fears of mutiny had arisen; that, in short, no man dreamt of any sort of dangers from the INFLICTION OF THE PUNISHMENT ITSELF! The men therefore are to see their comrades tied up, and to behold the flesh stripped off from their bodies, aye, bared to the bone! they are to see the very ribs and bones from which the mangled flesh has been scourged away,—without a senti-

ment of discontent, without one feeling of horror, without any emotion but that of tranquil satisfaction! And all this the by-standers are also to witness, without the smallest risk of thinking twice, after SUCH A SCENE, whether they shall enter into SUCH A SERVICE! There are no fears entertained of exciting disaffection among the soldiers themselves by the sight of their comrade thus treated: there is, it seems, no danger of begetting a disinclination to enlist, among the surrounding peasantry, the whole fund from which the resources for recruiting your army are derived! All this, you say, is a chimerical fear; perhaps it is: I think quite otherwise; but be it even so: let their eyes devour such sights,—let their ears be filled with the cries of their suffering comrades; all is safe, there is no chance of their being moved; no complaint, no indignation, not the slightest emotion of pity, or blame, or disgust, or indignation, can reach their hearts from the spectacle before them.—But have a care how, at a distance from the scene, and long after its horrors have closed, you say one word upon the subject; see that you do not describe these things, (we have not described them;) take care how you comment upon them (we have not commented upon them;) beware of alluding to what has been enacting (we have scarcely touched any one individual scene); but above all, take care how you say a word on the general question of the policy of the system; because, if you should attempt to express your opinions upon that subject, a single word of argument, one accidental remark will rouse the whole Army into open revolt! The very persons upon whom the flogging was inflicted, who were not to be excited to discontent at the torture and disgrace of their sufferings;—they will rebel at once, if you say a word upon the policy of such punishments. Take no precautions for concealing such sights from those whom you would entice into the service; do not stop up their ears while the air rings with the lash; let them read the horrors of the spectacle in the

faces of those who have endured it. Such things cannot move a man: But description, remark, commentary, argument, who can bear without instantaneous rebellion?—

Gentlemen, I think I have answered the argument of the Attorney General upon the dangers of such discussions; and in answering it, I have removed the essential part of the Information, without which this prosecution cannot be sustained; I mean the allegation of evil, malicious, and seditious intention, on the part of the author and publisher of the work.—I have done—I will detain you no longer—even if I could, I would not go further into the case. The whole composition is before you. The question which you are to try, as far as I am able to bring it before you, is also submitted to you—And that question is—Whether, on the most important and most interesting subjects, an Englishman still has a privilege of expressing himself as his feelings and his opinions dictate?

Gentlemen, I shall not trouble his Lordship or you by calling any witnesses.

MR. ATTORNEY GENERAL.

Gentlemen of the Jury:—

I doubt not but you have gone along with me in admiring the very eloquent address you have received from my learned friend. There is nothing in which I more disagree with him, than in the lamentation which he made for the fate of his clients, as persons having for their Counsel one who was opposed to unequal force in their cause, and not competent to meet the attack by any abilities of which he was possessed, compared with those of the person who had to direct the attack. My learned friend, by the display of his abilities, has answered that part of his own argument. There is another observation of my learned friend's, which I can as little agree in;—he states that his clients have to contend with the influence of the Attorney General. There exists no such influence—my learned friend knows there

exists no such influence. While there are at the bar men of his talents and eloquence, it is impossible it should exist, even if persons in the situation in which I am placed had the power, and were wicked enough to exert it. I agree with my learned friend in all the general observations he has made, as to the licentiousness of the press, and the grounds we have to deplore those practices which are so hostile to the liberty of the press. I agree with him in deploring their effects on private character. I do not, however, attribute the whole of the evils which he laments, to the causes to which he ascribes them. I go further than he does in lamenting their effects; and I believe I see those effects carried to a greater extent than he does. It is not only those who are libelled, but ten thousand who are not libelled, who feel the scourge of the libeller. You know not how many persons of weak nerves there are, who are held in contribution by this trade of libelling; we know it from the records of this Court,—that the question is, not whether what they publish is true, not whether it will benefit or injure the party—but whether it is likely to sell their paper. We have it on the affidavit of a proprietor of a Paper, that they consider alone, either on politics or any other subject, what will best promote the sale of their Paper; and that they adopt what they call the *popular line*, because they derive among the three hundred proprietors of a Paper*, a greater degree of profit. On this account and others, I join with him in those lamentations he has addressed to you on the state of the press, and in none more warmly than on the ground I recently stated, of the number of persons who are not libelled, but kept under daily contribution to avoid it.

I agree with my learned friend, that the conduct of public men must be left open to fair discussion: but if he meant to

* The Attorney General alludes to an affidavit made by one of the proprietors of *The Day* newspaper upon a recent prosecution.

include in that proposition, that public men, because they are public men, may be libelled in newspapers, there I disagree with him. I do not say that the situation of a public man, or any other character, prevents him from having his public conduct fairly and freely discussed: but if malignity or revenge appear to actuate those who publish their observations, no pretence of discussing public measures renders such a publication innocent. When my learned friend stated to you what might, and what might not be published with impunity, I observed that he did not enter into the consideration of those repeated attacks which are made on the public peace by such publications as I have insisted before you, and shall further insist, and shall prove to your satisfaction, this publication is. To talk of this publication as a discussion—a free and liberal discussion of a public measure—to talk of this as supported and justified by the example of the gallant officer who sits by his Lordship, Sir Robert Wilson, or of the late Brigadier-General Stewart—to draw up a rank of men, placing the publisher and printer of the EXAMINER by the side of General Stewart, and Sir Robert Wilson—why it is laughable! Who are those officers to whom he refers? Men of the highest character and rank, in a profession which they adorn—men entitled to attention from the public. Whether upon such a subject it was well advised in them to give their thoughts to the public, particularly as they might have rendered them more effectual by other communications which their situations enabled them to make to men in power—whether it was prudent for them to indulge themselves in such ardent and glowing language as my learned friend has read from one of the publications—is not for me to discuss: but this I know, that it is in human nature, especially in men of strong and firm, and perhaps of abstinent mind, when they have taken up an opinion, and are desirous of urging that opinion, and of recommending its adoption by others, not

always to look to the collateral effects of the means they employ.

Whether that may have been the case with respect to the publications alluded to, is a subject upon which I am ignorant, for I own I never heard of them till to-day. It is unnecessary to discuss the point: but that those publications were fair and liberal discussions of the questions upon which they profess to treat, I have not the least doubt; and that those honourable gentlemen, when they committed their thoughts to the press, and gave them to the public, had no other object than that of submitting their opinions to the fair consideration of those to whom they were addressed. And the question for you to-day, is whether that was the object of Messrs. Hunts.

My learned friend has, in different parts of his address, stated the question for your consideration in a very different manner. At one time he stated it correctly. He said that the question was, what was the intention of the persons who published this paper? I agree with him: but then we are to consider from what source we are to collect that intention. It is only from the language used in the text, that we are able to collect the intention; and therefore his Lordship will tell you, that the publication which has a tendency to produce a mischievous object, must be considered as having been published with a mischievous design. I cannot dive into a man's thoughts: but I say he is answerable for all the mischiefs which the doctrines published by him have a natural tendency to produce; and the language in which he expresses himself, and the manner in which he weaves together the different articles of his composition, furnish the only clue by which you can unravel what his intention is. In that view of the proposition, I agree that the question for your consideration is, what was the intention of those publishers: that intention is to be collected from the work itself. But my learned friend, having heated himself in the course of his argument, said that the question was, whether

Englishmen should discuss a public subject in such language as was fittest to convey their own sentiments? God forbid I should dispute the truth of the proposition, that every Englishman has that right. I would be the first to stand forward and support the liberty of the press, if any man was bold or wicked enough to attempt to restrain it. Do I to-day make it a question whether a man shall be permitted, in the free discussion of a public measure, to express himself, while he confines himself within the bounds of decency and propriety, in such words as occur to him to be the fittest?—No such thing; what I impute to the author of this publication is, that he has not for his real object the free candid discussion of a great political question; but that his object is to render the soldiers of our Army discontented with their situation; and that the publication has for its end and object, and is likely to produce as its effect, the preventing others from entering into the service. I know very well that, looking through this paper, you will find many qualifying terms by which the publisher thought to escape punishment; by which he meant to impose on those who might say he was favouring the French. To avoid this, he says: 'You will find paragraphs in which I speak *against the French*; you say I am attached to military discipline; you will find passages in which I say it must be kept up.' True; but when he draws the balance between this country and France, does he draw the comparison fairly, and does he state the account justly before he strikes the balance?—for you will recollect, the balance is struck directly in favour of the French. In one passage of this paper he states, that on comparing the French with the British military service, he has no doubt as to giving the preference to the former. Now, my learned friend would defend his clients to-day, on the example of Sir Robert Wilson:—I am sorry that gallant officer should be present, while he hears himself placed by the side of such comparisons. Does my learned friend mean to say, that Sir Robert

Wilson has treated this subject, and given his thoughts to the public as the Defendants have done? Does he recollect, that if he is to bring them together, he must raise the Defendants to the height of Sir Robert Wilson, or he must reduce Sir Robert Wilson to the situation of the Defendants? and are these two publications to be brought in comparison with each other? Had Sir Robert Wilson the same views by his publication which, on looking to this, it is obvious the Defendants had? It is a fair question—had the Defendants the same object and views as Sir R. Wilson? Now I will try that question; and I am glad to try it in the presence of Sir Robert Wilson. I say, that the author of this work has diligently, industriously, and wilfully, presented to the public, a debased picture of the state of the British Army; setting up against it the practice of Buonaparté, and giving the decisive preference to Buonaparté.

The example of Sir Robert Wilson is brought forward as justifying this; and I am asked, how can you prosecute the publisher of this paper, when you did not prosecute Sir Robert Wilson? I take it for granted that every part of Sir Robert Wilson's book, which bears favourably for the Defendants, has been produced, and the only passage in which he makes mention of the French, is this:—he says, "France "allows of flogging only in her Marine;" that is the only instance in which it occurs. It was natural it should be introduced—and how is it introduced? Is it made the burthen of his publication? Is it that which from the beginning to the end he is constantly alluding to as the topic he wished to press? Does he enter into the consideration of military punishments apparently only to give the preference to the French? No, he introduces mention of the French but once; and that too incidentally, not as forming any part of the large discussion in which he is concerned. That is the only occasion on which he makes any mention of the French. Does he introduce his application with reference to any former prosecution of a

libeller? If he had, I should have no scruple in saying, that, however he had endeavoured to cover and conceal it, he must have had some object beyond the free and liberal discussion which my learned friend says ought to be allowed to every man on every subject. If I had found that Sir Robert Wilson had introduced his publication with a motto which had a reference to the publication of another libel, that gallant officer would not have complained of my supposing that he must have had some other object in view.—Now, having stated that, I have nothing to do but to call you back to the libel itself.—It begins: "One thousand lashes! (from the *Stamford News*;")—collecting his authorities from all the cases he can find—How does he introduce them? "The aggressors" "were not dealt with as Buonaparté would have treated" "them." This is the first, last, and middle burthen of his publications this is every thing to him: he never can quit the subject of raising Buonaparté, and lowering the state of our military discipline. He begins with tauntingly introducing the observation I had made on a former prosecution:—"The aggressors were not dealt with" "as Buonaparté would have treated his refractory troops. —*Speech of the Attorney General.*" Then he enumerates several instances in which military punishment had been inflicted. He proceeds: "The Attorney General said what "was very true—these aggressors have certainly not been "dealt with as Buonaparté would have treated his refractory troops:" thus passing out of his course what the Attorney General is supposed to have said, for he could not have said it with reference to these cases. He goes on: —"nor indeed as refractory troops would be treated in "any civilized country whatever, save and except this "country.—Here alone, in this land of liberty; in this "age of refinement; by a people who, with their usual con-"sistency, have been in the habit of reproaching their "neighbours with the cruelty of their punishments, is

" still inflicted a species of torture at least as exquisite as " any that was ever devised by the infernal ingenuity of " the Inquisition." Now, what does he return to? " No, " as the Attorney General says, Buonaparté does *not* treat " his refractory troops in this manner." Then, when he comes to describe, in his glowing and ardent manner, the mode of punishment inflicted on our troops, does he confine himself to merely stating that it is inflicted on British subjects? No, his delight is to state that Buonaparté has the advantage over us. He exalts Buonaparté, on the ground that our system is not the system in France. He says: " There " is not a man in his ranks whose back is seamed with the la- " cerating cat-o'nine-tails. His soldiers have never yet been " brought up to view one of their comrades stripped naked, " his limbs tied with ropes," and so on,—not stating this as the punishment inflicted on British soldiers, but exulting that Buonaparté's soldiers are not subject to it.

My learned friend says, the writer was aware of this, and therefore that this interpretation must be put upon it—that he has guarded his statement by observations of an opposite tendency—I do really believe my learned friend speaks from the first authority on that subject; I do believe that he knew what the intention of the writer was, and that he *had* attempted to guard against the obvious impression of his writers. It is only in that way I can account for what he relies on, by shewing that the author is not an unqualified admirer of Buonaparté. What does he say?—" Buo- " naparté is no favourite of ours, God wot! but if we " come to balance accounts with him on this particular " head, let us see how matters will stand—He recruits his " ranks by force—so do we—We flog those we have forced " —he does not. It may be said, he punishes them in " some manner—that is very true. He imprisons his re- " fractory troops—occasionally in chains, and in aggrava- " ted cases he puts them to death:—but any of these seve- " rities is preferable to tying a human creature up like a

" dog, and cutting his flesh to pieces with whipcord."—Now, if we come fairly to consider this, the advice that this libeller gives to us is to adopt the system of Buonaparté, in preference to our own, because he tells you that, on the balance of the account, Buonaparté's system is the best—not that he would not have us improve even on Buonaparté's system.—Has he stated the account justly, allowing that he has taken into the account the imprisonment in chains and sometimes death?—Has he taken into account the manner in which Buonaparté's troops are driven, or rather dragged to the ranks—has he stated the *manner* in which the French conscriptions are carried into effect? When he is stating the account, and drawing a balance, could he, could any man, who meant to have dealt fairly, have been totally silent on that most material part of the subject? It is not possible, if his intent had been to have discussed the question fairly and with candour.

I stated this in my first address to you, expecting it would have received some answer. I pointed out that there was that omission in the statement of the account, and I argued it as a proof that the author was writing against his better judgment. But no answer has been given, because none could be given. On proceeding, it is said, that there is a further qualification. He says he is not an admirer of the present state of the French government; nor does he think that the French enjoy as much liberty as the people of this country. Upon my word, a very ample allowance!—a very ample admission!—that the people of France, whose sufferings we read of in every paper that comes to our hands, are not in the enjoyment of an equal degree of liberty with ourselves!—He admits that the French are not in the enjoyment of so much public liberty as are the British; and by making that allowance, he hopes he shall induce you to think that he has drawn his picture without partiality. It confirms what my learned friend states, that he was aware of the interpretation which might be put upon his publication, and therefore he

has wrongly and insufficiently thrust in that which he hopes will induce you to think he had no bad intention. If any thing was wanting to make up the account, let us see what he further states. He introduces it by this comparison. He says, "he sees nothing peculiarly pitiable "in the lot of Buonaparté's soldiers when compared with "that of our own: were we called upon to make our elec- "tion between the services, the whipcord would at once "decide us. No advantage whatever can compensate for, "or render tolerable to a mind but one degree removed "from brutality, a liability to be lashed like a beast!!"

When I stated the libel before, I did not trouble you with the whole of it. Look at the insulting manner in which the author concludes it: "We have heard of an "army of slaves which had bravely withstood the *swords* "of their masters, being defeated and dispersed by the bare "shaking of the *instrument of flagellation* in their faces. "This brought so forcibly to their minds their former state "of servitude and disgrace, that every honourable impulse "at once forsook their bosoms, and they betook themselves "to flight and to howling. We entertain no anxiety "about the character of our countrymen in Portugal, "when we contemplate their meeting the *bayonets* of "Massena's troops,—but we must own that we should "tremble for the result, were the French General to dis- "patch against them a few hundred drummers, each bran- "dishing a *cat-o'-nine-tails*."

Why, Gentlemen, can you attribute that insulting, that infamous paragraph—can you attribute it to any thing but a desire to degrade the British soldiery in the opinion of those under whose eye it might fall? It has been said, that the infliction of this punishment lowers the spirit of the soldier. I am a plain man, and I can look only to effects in order to judge of causes; and I beg to bring to your re- collection the battles of Alexandria, Maida, Corunna, Ta- lavera, Buzaco, and the other achievements by which our

armies have been distinguished—and then I will ask you, whether these troops, so distinguished by valour and discipline can be considered as subject to a military code of laws which lowers the spirit, and degrades them in their own estimation. Men degraded and lowered in their own estimation will never stand as our brave troops have successfully done in the front of the Enemy.

Gentlemen, with these observations, I shall leave this case to your decision, fully persuaded, that although my learned friend may have placed his Clients by the side of Sir Robert Wilson and General Stewart, you will, by your Verdict, place them with the other libellers of the day.

SUMMING UP.

Lord Ellenborough.

Gentlemen of the Jury:—

This is an Information for a Libel, filed against John Hunt and Leigh Hunt, the publisher and printer of a Paper, in which they have a joint property, called The Examiner: And the Information states, that the Defendants, being malicious, seditious, and ill-disposed persons; and unlawfully, and maliciously devising, and intending to injure the Military Service of our Lord the King;—and to insinuate, and cause it to be believed, that an improper and cruel method of punishment was practised in the Army of our said Lord the King; and that persons belonging to the said Army were punished, according to such method, with great and excessive severity; and thereby to raise and excite discontent and disaffection in the minds of the persons belonging to the said Army; and to deter the liege subjects of our said

Lord the King from entering into the same;—on the 3d day of September, in the fiftieth year of the reign of the King, published the paper in question:—And the question for you to try is, whether the publication has fairly the tendency imputed to it? If it has that tendency, the persons must be punished who have published it, intending to produce that effect. If it shall appear to you that such is the obvious tendency of the paper which is in evidence, then what it is incumbent on the Prosecutor to prove, will have been made out. It is only by comparing the different parts of the Libel, that you can come to a just conclusion. When I say Libel, I call it that which it is stated to be in the Information—it will be for you to say whether it is justly so denominated. It has been stated by the learned Gentleman, who is counsel for the Defendants, in a speech of great ability, eloquence, and manliness, that the question is, whether Englishmen have a right to discuss public measures, and may give their opinions on a particular cast of policy? That is a question upon which there can be but one opinion. It is competent for all the subjects of his Majesty, freely, but temperately to discuss, not only in conversation, between friend and friend, but through the medium of the press, every question connected with public policy: but, in proportion to the importance and delicacy of the subject, in proportion to the peril which may attend an inflamed discussion of a subject, a guard is to be imposed upon the person at the time he is indulging in the freedom of discussion; in order that he may take care he does no material injury to private feeling, or the public peace and happiness. Subject to this restriction, the Law of England allows every man to publish what he pleases. He must, how-

ever, be cautious, that he does not make this privilege a cloak to cover a malicious intention.

Gentlemen, we are placed in a most anxious and awful situation. The liberty of the Country—every thing we enjoy—not only our freedom as a nation, but the freedom of every man, depends upon our fortunate resistance to the arms of Buonaparté, and the force of France—which I may say is the force of all Europe, combined under that formidable foe. It becomes us therefore to see that there is not, in addition to the prostrate thrones of Europe, an auxiliary within this country, and that he has not the aid, for the furtherance of his object, of a British press. It is for you, between the public on the one hand, and the subject on the other, to see that such a calamity does not take place.

It is competent for the Defendants to discuss every subject of public policy; but, in proportion to its importance, every man must see that no collateral mischief arises out of what he publishes.—We have had stated to us the publication of an excellent officer near me, and Brigadier-General Stewart, who is yet living (for the Attorney General was mistaken when he supposed him dead.) Both those officers, in their publications, have commented on the subject of military punishments. In the presence of one of them, I have no difficulty in saying, that he would have done better if he had imposed more of a guard upon his observations. The purity of his purpose no one can doubt. He addresses his observations to the Minister of the Country: but I think he would have done better, if, on a subject of such extreme delicacy, he had made his communication in a more private manner. For, consider the inflammation—the irritation that may be excited by such

observations in the minds of soldiers, on whose fidelity to the customs of the country every thing depends. It would have been more cautious in both those honourable Officers, and would have been attended with less irritation, if they had discussed the subject with Mr. Pitt, in a more private form. The subject of military punishment is one we cannot suppose not to have undergone the full consideration of the excellent persons, who, at different times, have had the command of the British armies. It is a subject which comes home to the bosom of every body;—and we must suppose that those who are full of honour and feeling, have not neglected to take such a subject into their consideration. The question of enlisting for life has undergone the anxious consideration of different governments; and I know that the opinions of all the General Officers have been collected individually, respecting the policy and expediency of enlisting for life. I cannot say whether any questions have been put to them on the subject of military punishments. There are punishments, the nature of which cannot properly be discussed. Supposing a punishment to be a capital punishment, it is a grievous thing to consider—it is most mischievous and painful to the feelings of the relatives and family of the individual. If such a topic was to be discussed in an inflammatory way, you might be *electrified*—no man can say to what extent he might be disabled from discharging his duty, where the question was life or death, if his feelings and sensibility were to be so strongly worked upon. It would disable those even whose duty it is to pronounce the law, and to draw the attention of Juries to issues of that description. Therefore, it is not cutting down the liberty of discussion, to require that such subjects are discussed

moderately, and that a person, in the exercise of an allowed right, does not create more mischief than he attempts to remedy.

Upon the subject of the present Libel, I will advert to the terms of it, and put it to you, whether it is a fair discussion of the subject, or whether it is calculated to inflame the passions—to induce the soldiers to believe they are worse dealt with than the soldiers of France—to blunt their resistance to the forces of Buonaparté, and to place us on one side in unjust contrast with the military of France, and other countries. Now, first, as to whether this is temperate discussion—reasoning in the temper of Sir Robert Wilson? Why! is this in the way of temperate discussion? The first thing that strikes one is this—"ONE THOUSAND LASHES!" in large letters. What is that but to attract the mind to such a punishment as one thousand lashes....to pourtray it as a circumstance of horror, and excite feelings of detestation, against those who had inflicted, and compassion for those who had suffered (apparently suffered) such a punishment? for it appears to have been executed only in part. Then, as a text to comment on, the Defendants say, "The aggressors were not dealt "with as Buonaparté would have treated his refractory "troops." Now they begin, you observe, not by discussing the subject in general—not by saying that it would be better, with a view to the moral feelings of the Army, if ignominious punishments were done away; they begin as if there had been some excesses which ought to attract attention to the punishment. "Corporal Curtis was sen- "tenced to receive one thousand lashes; but, after re- "ceiving two hundred, was permitted to volunteer into a "regiment on foreign service." It does not say what he was punished for—it does say, what the other was punished

for—"William Clifford, a private in the 7th Royal Veteran "Battalion, was lately sentenced to receive one thousand "lashes, for repeatedly striking and kicking his superior "officer."—I should have thought that would have been mutiny punishable with death; and whether the punishment was a commutation for death, I do not know. If there is any crime that shakes the foundation of military subordination, it is that of striking a superior officer. Then they say, "A Garrison Court-Martial has been held on "board the Metcalf transport, at Spithead, on some men "of the 4th regiment of foot, for disrespectful behaviour "to their officers."—And, without saying how much punishment was inflicted on one or the other, he accumulates them; he says, "Two thousand six hundred lashes were "to be inflicted among them." Then they take another —"Robert Chillman, a private in the Bearstead and Mal-"ling regiment of Local Militia, who was lately tried by "a Court-Martial for disobedience of orders, and mutinous, and improper behaviour while the regiment was "embodied, has been found guilty of all the charges, and "sentenced to receive eight hundred lashes, which are to "be inflicted on him at Chatham, to which garrison he is "to be marched for that purpose." These they profess to be extracts from the *London Newspapers*. They have taken from all the London papers those sentences to which they wished to attract notice, as being excessive and severe: then they begin—they say, "The Attorney General "said very true; these aggressors have certainly not been "dealt with as Buonaparté would have treated his re-"fractory troops."—And in fact, all that follows is a contrast in favour of Buonaparté, and the mercy exhibited by him to his troops, and the tyranny exercised towards the soldiers of this country. They say, "Here alone, in

" this land of liberty, in this age of refinement, by a " people who, with their usual consistency—" that seems to be a fling at the consistency of the Country at large— " have been in the habit of reproaching their neighbours " with the cruelty of their punishments, is still inflicted a " species of torture at least as exquisite as any that was " ever devised by the infernal ingenuity of the Inquisition." —Is this temperate discussion ? Is this a way in which the reason can act for itself ? Is it not inflammatory discussion, which overpowers the reason ? They go on—" No, as " the Attorney General justly says, Buonaparté does not " treat his refractory troops in this manner. There is not " a man in his ranks whose back is seamed with the " lacerating cat-o'-nine tails. His soldiers have never yet " been brought up to view one of their comrades stripped " naked, his limbs tied with ropes to a triangular ma- " chine, his back torn to the bone by the merciless cutting " whipcord."—And so it goes on, pourtraying the circumstances that belong to military punishment. Then they say—" Let it not be supposed that we intend these " remarks to excite a vague and indiscriminating senti- " ment against punishment by military law :....no ; when " it is considered that discipline forms the soul of an army, " without which it would at once degenerate into a mob ; " when the description of persons who compose the body " of what is called an army, and the situation in which " it is frequently placed, are also taken into account, it " will, we are afraid, appear but too evident, that the " military code must still be kept distinct from the civil, " and distinguished by greater promptitude and severity." Then it is admitted that there must be a greater degree of severity ; and the question is only, whether it should be of this description, or death ; and if it be a temperate discussion,

there could be no question more proper for consideration. But you will collect the motive from the fairness of the statement. If it is a fair balance of the account between Buonaparté and us, you may be inclined to think it was not written with a bad motive. "Buonaparté is no "favourite of ours, God wot!" I do not know what that means—"But if we come to balance accounts with him "on this particular head, let us see how matters will stand. "He recruits his ranks by force,—so do we." Is that fair? What is the mode by which the Army is recruited in this Country? The Regular Army is not recruited by force. The Militia is only that service which every man is liable to by the common law of the land. Antecedently to the formation of a regular army, every man was obliged to stand forth for the defence of the country. The duty which was performed formerly under a Commission of Array, has since, by the establishment of the Militia laws, been thrown on the more capable; and persons, with certain exceptions, are balloted for. They learn for a limited time the military exercise; and are subject, during that period, to the provisions which are familiar to you. The Local Militia is a service of the same nature, but for a shorter time. This is the sort of force we resort to;—a general ballot.

Every man who is at all acquainted with the history of the two countries, knows that nothing can equal the rigour with which men of every rank and station are treated in France. There they are all drawn out, and forced to serve —how? in defence of their own land? no; they may be carried to Spain, to be opposed to the British troops, and be made the instruments of the most ambitious man that in these times has been created. But it does not end there, it is not the mere individual—any relative, who endeavours to withdraw him, is liable to punishments of such horror,

that any one who reads the code of Conscription will say it exceeds every thing in the shape of a rule of law. The parents are doomed to linger out their lives in the gallies, or imprisonment. It is a matter of general history that the military system in France is of the most cruel and malignant infliction—Is the balance of the account then stated fairly? "He recruits his ranks by force—so do we." Is there any parallel between his force, and the mere balloting for the Militia?—for that is the only instance of force which applies to the defence of our land. Then the writer says, "We flog "those whom we have forced—he does not—It may be said, "he punishes them in some manner—that is very true—He "imprisons his refractory troops, occasionally in chains, "and in aggravated cases he puts them to death:—but any "of these severities is preferable to tying a human creature "up and cutting his flesh to pieces with whipcord."

Then he goes into an irritating detail of the miseries which do arise from this punishment, and which do harrow up the feelings of men who consider them in detail. It is an evil that has subsisted in the eyes of the Legislature, and of that honourable body who constitute the Officers of the Army, and it has not been remedied. If there are persons who really feel for the private soldier, why not endeavour to remedy the evil by *private representation?* But when, as at this moment, every thing depends on the zeal and fidelity of the soldier, can you conceive that the exhibition of the words ONE THOUSAND LASHES, with strokes underneath to attract attention, could be for any other purpose than to excited is affection? Could it have any other tendency than that of preventing men from entering into the Army? If you feel it is of that inflammatory nature, it is for you to say, whether you can do otherwise than consider it as a means to promote the end it is calculated to produce?

I hope, that is an effort of this sort, and that its object is to discourage the soldiery, it will be unavailing. These men, who are represented as being treated ignominiously, have resented a front, and successfully, to every enemy against which they have been opposed.

I do not carry your minds to any particular army; but on what occasion do you find the soldiery of Great Britain unmanned by the effect of our military code? If it be expedient to change it, we hope and trust that those who occupy places in the Legislature, or places of trust, will pay attention to the subject. This publication is not to draw their attention to it, if the evil be remediable; but seems intended to attract the attention of the military, and to induce them to consider themselves as more degraded than any other soldiers in the world—to make them more reluctant soldiers, and less ready to serve us at this awful crisis, and render the country that assistance without which we are collectively and individually undone. I leave you to say, coupling the context with this balance of account between Buonaparté and us, whether this publication has not a tendency to produce the mischief ascribed to it.

Gentlemen, it is generally expected that, under the suggestion of the act of parliament—it is not peremptory on me, but it is generally expected—that I should state my opinion:—I have no doubt that this libel has been published with the intention imputed to it; and that it is entitled to the character which is given to it in the Information.

The Jury withdrew, and after remaining in consultation Two Hours, returned a verdict by which they found both the Defendants NOT GUILTY